

C H A P T E R    2  
R E V I E W   P R O C E D U R E S  
A R T I C L E 20 - B A S I C P R O V I S I O N S

SECTION 20.001 - PURPOSE OF REVIEW PROCEDURES

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

SECTION 20.002 - TYPES OF REVIEW PROCEDURES

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

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

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

## ARTICLE 22 - PLANNING DIRECTOR REVIEW PROCEDURE

### SECTION 22.001 - PURPOSE

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

### SECTION 22.002 - APPLICATION

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

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

### SECTION 22.003 - PUBLIC HEARING AND NOTICE

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

### SECTION 22.004 - REVIEW AND DECISION

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

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

SECTION 22.005 - APPEAL

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

ARTICLE 24 - HEARING OFFICER REVIEW PROCEDURE

SECTION 24.001 - PURPOSE

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

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

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

SECTION 24.003 - RULES AND REGULATIONS

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

- B. Rules and regulations shall be in conformance with the other provisions of this Article and shall additionally guarantee parties an opportunity to be heard, to present and rebut evidence, to have a record made and findings of fact made on which the decision is based.
- C. The Hearings Officer may continue any item when in his discretion additional time or information are needed.

SECTION 24.004 - APPLICATION

- A. Change of zone designation.
- B. Conditional Use Permits.
- C. Variances.

SECTION 24.005 - PUBLIC HEARING AND NOTICE

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

SECTION 24.006 - REVIEW AND DECISION

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

SECTION 24.007 - APPEAL

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

ARTICLE 25 - LAND PARTITIONING REVIEW BOARD PROCEDURE

SECTION 25.001 - PURPOSE

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

SECTION 25.002 - LAND PARTITIONING REVIEW BOARD

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

SECTION 25.003 - APPLICATION

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

SECTION 25.004 - PUBLIC HEARING AND NOTICE

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

SECTION 25.005 - REVIEW AND DECISION

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

SECTION 25.006 - APPEAL

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

## ARTICLE 26 - PLANNING COMMISSION REVIEW PROCEDURE

### SECTION 26.001 - PURPOSE

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

### SECTION 26.002 - APPLICATION

The following shall be subject to Planning Commission Review:

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

### SECTION 26.003 - PUBLIC HEARING AND NOTICE

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

### SECTION 26.004 - REVIEW AND DECISION

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

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

SECTION 26.005 - APPEAL

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

## ARTICLE 28 - BOARD OF COMMISSIONERS REVIEW PROCEDURE

### SECTION 28.001 - PURPOSE

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

### SECTION 28.002 - APPLICATION

The following shall be subject to Board of Commissioners Review:

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

### SECTION 28.003 - PUBLIC HEARING AND NOTICE

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

### SECTION 28.004 - REVIEW AND DECISION

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

SECTION 28.005 - APPEAL

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



CHAPTER 3

HEARINGS AND APPEAL OF DECISIONS

ARTICLE 30 - BASIC PROVISIONS

SECTION 30.001 - PURPOSE

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

## ARTICLE 31 - PUBLIC HEARINGS

### SECTION 31.001 - RESPONSIBILITY OF PLANNING DIRECTOR

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

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

### SECTION 31.002 - CHALLENGES TO IMPARTIALITY

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

#### SECTION 31.003 - DISQUALIFICATION

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

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

#### SECTION 31.004 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

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

#### SECTION 31.005 - EX PARTE CONTACTS

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

SECTION 31.006 - ABSTENTION OR DISQUALIFICATION

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

SECTION 31.007 - RIGHTS OF DISQUALIFIED MEMBER OF THE HEARING BODY

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

SECTION 31.008 - BURDEN AND NATURE OF PROOF

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

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

SECTION 31.009 - ORDER OF PROCEEDINGS

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

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

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

#### SECTION 31.010 - DECISION

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

#### SECTION 31.011 - FINDINGS AND ORDER

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

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

#### SECTION 31.012 - RECORD OF PROCEEDINGS

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

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

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

## ARTICLE 32 - NOTICE OF HEARINGS

### SECTION 32.001 - PURPOSE OF NOTICE REQUIREMENTS

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

### SECTION 32.002 - TYPES OF NOTICE

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

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

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

SECTION 32.003 - CONTENT OF NOTICE

Notice shall contain the following information:

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

SECTION 32.004 - COST OF NOTICE

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

NOTICE SCHEDULE (PART OF SECTION 32.001)

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

\*Optional when legislative hearing

## ARTICLE 33 - APPEAL OF DECISIONS

### SECTION 33.001 - PURPOSE

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

### SECTION 33.002 - APPEAL AUTHORITY

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

### SECTION 33.003 - STANDING TO APPEAL

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

### SECTION 33.004 - INITIATION OF APPEAL

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

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

SECTION 33.005 - SCOPE OF REVIEW ON APPEAL

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

SECTION 33.006 - REVIEW OF THE RECORD

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

SECTION 33.007 - NOTICE OF APPEAL HEARING

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

SECTION 33.008 - APPEAL AUTHORITY DECISION

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

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



CHAPTER 4  
LAND USE AND DEVELOPMENT  
APPLICATION PROCEDURES  
ARTICLE 40 - BASIC PROVISIONS

SECTION 40.001 - PURPOSE

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

SECTION 40.002 - TYPES OF APPLICATIONS

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

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

## ARTICLE 41 - SITE PLAN APPROVAL

### SECTION 41.001 - PURPOSE

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

### SECTION 41.002 - REVIEW PROCEDURE

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

### SECTION 41.003 - REVIEW CRITERIA

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

### SECTION 41.004 - PROCESSING

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

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

### SECTION 41.005 - PLOT PLAN REQUIREMENTS

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

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



ARTICLE 42 - TEMPORARY USE PERMIT

SECTION 42.001 - PURPOSE

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

SECTION 42.002 - REVIEW PROCEDURE

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

SECTION 42.003 - REVIEW CRITERIA

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

SECTION 42.004 - PROCESSING

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

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

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

SECTION 42.005 - IDENTIFICATION OF PERMITTED TEMPORARY USES

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

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

SECTION 42.006 - LOCATION OF TEMPORARY USES

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

SECTION 42.007 - PLOT PLAN REQUIREMENTS

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

SECTION 42.008 - STANDARDS FOR TEMPORARY USES

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

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

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

B. Existing Buildings

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

C. Mobile Home During Construction of Dwelling

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

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

D. Mobile Home as Accessory Use

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

E. Religious and Entertainment Assembly

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

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

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



MATRIX OF TEMPORARY LAND USES  
(Part of Section 42.005)

LEGEND:

° Permitted Upon Approval of  
Temporary Use Permit

- Not Permitted

LAND USE ZONES

RESIDENTIAL

RCR Rural Community Residential  
R-5 Rural  
R-1 Rural  
RS Suburban Residential  
RL Low-Density Residential  
RM Medium-Density Residential  
RH High-Density Residential

COMMERCIAL

CN Neighborhood Commercial  
CC Community Commercial  
CG General Commercial  
CR Recreation Commercial  
CT Transportation Commercial  
CH Highway-Related Commercial

INDUSTRIAL

IL Light Industrial  
IH Heavy Industrial

OTHER

EFU Exclusive Farm Use  
F Forestry  
FR Forestry/Range  
NR Non-Resource  
GR Geothermal Resource  
PUD Planned Unit Development

TEMPORARY USES

Real Estate Office

Existing Building

Mobile Home During Construction

Mobile Home as Accessory Use

Religious and Entertainment

Transient Merchant\*

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

\*Applicable to lands within Klamath Falls Urban Growth Boundary

## ARTICLE 43 - VARIANCES

### SECTION 43.001 - PURPOSE

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

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

### SECTION 43.002 - REVIEW PROCEDURE

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

### SECTION 43.003 - REVIEW CRITERIA

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

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

SECTION 43.004 - PROCESSING

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

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

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

SECTION 43.005 - PLOT PLAN REQUIREMENTS

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

SECTION 43.006 - ADMINISTRATIVE VARIANCES

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

ARTICLE 44 - CONDITIONAL USE PERMIT

SECTION 44.001 - PURPOSE

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

SECTION 44.002 - REVIEW PROCEDURE

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

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

SECTION 44.003 - REVIEW CRITERIA

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

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

SECTION 44.004 - PROCESSING

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

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

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

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

SECTION 44.005 - PLOT PLAN REQUIREMENTS

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

SECTION 44.006 - TIME LIMIT ON CONDITIONAL USE PERMIT APPROVAL

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

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

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

## ARTICLE 45 - MAJOR AND MINOR LAND PARTITION

### SECTION 45.001 - PURPOSE

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

### SECTION 45.002 - REVIEW PROCEDURE

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

### SECTION 45.003 - REVIEW CRITERIA

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

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

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

SECTION 45.004 - PROCESSING

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

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

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

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

- K. If any of the following conditions (1 - 8) must be met, the County Engineer shall affix his signature to the final partition map.
1. Before approval is certified on the final map, the partitioner shall:
    - a. Cause the recording of all easements as shown on the final map.
    - b. If required, install all improvements and repair existing streets and other public facilities damaged in the development of the partition; or
    - c. Execute and file with the County Engineer an agreement between himself and the County specifying that within two (2) years all required improvements and repairs shall be completed, and providing that if such work not completed within the two (2) years, the County may complete the same and recover the full cost and expense thereof from the partitioner.
  2. The required road improvements and repair of existing streets shall be done in accordance with the requirements of the County Engineer and the provisions of this Code;
  3. An improvement inspection fee shall accompany the submission of the final map;
  4. If improvements are to be installed by the partitioner under terms of an agreement:
    - a. A bond or other security acceptable to the County Engineer may be required;
    - b. Construction of the roads may be permitted in phases under conditions specified;
    - c. Extension of the time limit may be granted under conditions specified; and

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

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

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

#### SECTION 45.005 - SUBMITTAL REQUIREMENTS

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

A. Tentative Map and Supplementary Materials

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

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

3. Accompanying Statement

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

4. The partition map must indicate:

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

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

B. Final Map

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

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

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

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

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

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

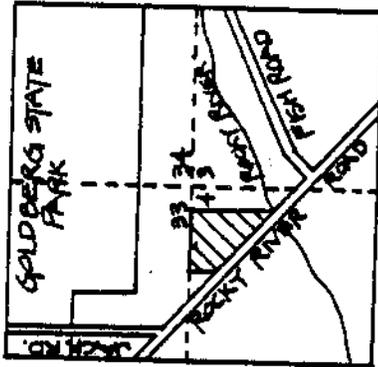
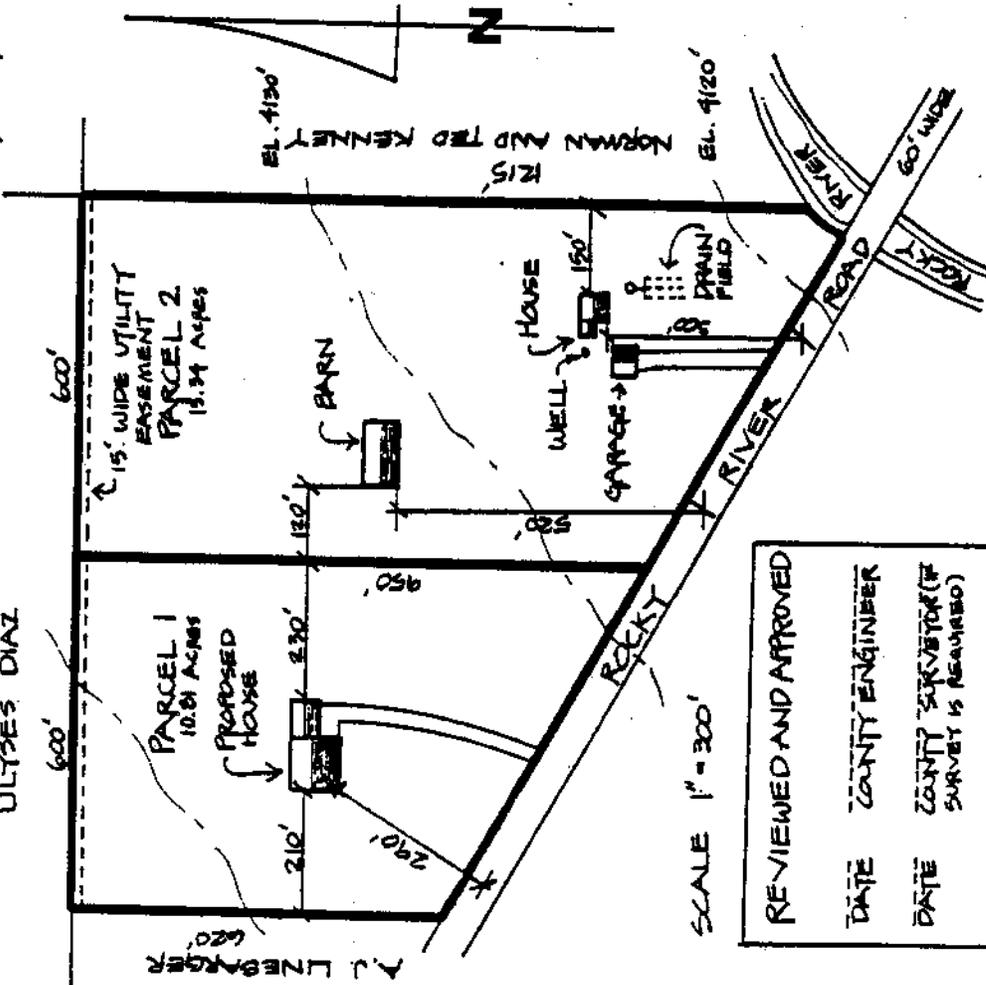
- g. The partition number.
- h. Street names adjacent to the partition.
- i. In big game winter ranges, location of proposed homesites to be indicated if development is to be clustered for a reduced minimum lot size.

# MINOR PARTITION 81-645

FOR LG. BOTTS

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

ULYSES DIAZ



VICINITY MAP (NO SCALE)

OWNER/APPLICANT — LG. BOTTS

RT. 12, BOX 775-E

KLAMATH FALLS, OR 97601

888-1111

ZONE DESIGNATION — R

COMPREHENSIVE PLAN — RURAL DESIGNATION

EXISTING USE — RESIDENTIAL

PROPOSED USE — RESIDENTIAL

TOTAL AREA — 26.15 ACRES

WATER SUPPLY — INDIVIDUAL WELLS

SEWAGE DISPOSAL — INDIVIDUAL SEPTIC SYSTEMS

STORM DRAINAGE — SURFACE RUNOFF

DATE OF PREPARATION:

OCTOBER 15, 1980

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

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

## ARTICLE 46 - SUBDIVISION OF LAND

### SECTION 46.001 - PURPOSE

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

### SECTION 46.002 - REVIEW PROCEDURE

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

### SECTION 46.003 - REVIEW CRITERIA

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

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

### SECTION 46.004 - PROCESSING

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

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

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

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

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

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

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

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

#### SECTION 46.005 - SUBMITTAL REQUIREMENTS

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

##### A. Preliminary Plat and Supplemental Materials

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

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

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

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

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

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

**B. Final Plat and Supplementary Materials**

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

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

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

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

EXHIBIT I (Surveyor's Certificate)

SURVEYOR'S CERTIFICATE

STATE OF OREGON )  
 ) ss.  
COUNTY OF KLAMATH )

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

(Specific Legal Description)

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

\_\_\_\_\_  
Surveyor

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

EXHIBIT II (Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON )  
 ) ss.  
COUNTY OF KLAMATH )

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

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

\_\_\_\_\_  
\_\_\_\_\_

STATE OF OREGON )  
 ) ss.  
COUNTY OF KLAMATH )

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

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

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

EXHIBIT III (Corporate Owner's Certificate of Dedication)

DEDICATION

STATE OF OREGON )
) ss.
COUNTY OF KLAMATH )

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

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

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

President
Secretary

STATE OF OREGON )
) ss.
COUNTY OF KLAMATH )

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

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: \_\_\_\_\_

EXHIBIT IV (Required Approvals)

Approved by the County Planning Director this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

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

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

BOARD OF COUNTY COMMISSIONERS

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

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

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

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

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



EXHIBIT VI (County Assessor's Certificate)

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

\_\_\_\_\_

Date

\_\_\_\_\_

Assessor Deputy

EXHIBIT VII (County Treasurer's Certificate)

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

County Treasurer \_\_\_\_\_

By \_\_\_\_\_

Deputy

EXHIBIT VIII (Required Filing Statement)

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

County Clerk \_\_\_\_\_

\_\_\_\_\_

Deputy





EXHIBIT XI (Sewage Disposal System Certificate)

SEWAGE DISPOSAL SYSTEM CERTIFICATE

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

EXHIBIT XII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

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

\_\_\_\_\_  
Signature of Subdivider

\_\_\_\_\_  
Date

EXHIBIT XIII (Water Supply Certificate)

WATER SUPPLY CERTIFICATE

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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

SECTION 47.001 - PURPOSE

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

SECTION 47.002 - REVIEW PROCEDURE

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

SECTION 47.003 - REVIEW CRITERIA

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

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

SECTION 47.004 - PROCESSING

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

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

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

SECTION 47.005 - PLOT PLAN REQUIREMENTS

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

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

SECTION 48.001 - PURPOSE

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

SECTION 48.002 - REVIEW PROCEDURE

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

SECTION 48.003 - REVIEW CRITERIA

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

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

SECTION 48.004 - PROCESSING

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

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

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

SECTION 48.005 - PLOT PLAN REQUIREMENTS

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

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

SECTION 49.001 - PURPOSE

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

SECTION 49.002 - REVIEW PROCEDURE

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

SECTION 49.003 - REVIEW CRITERIA

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

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

SECTION 49.004 - PROCESSING

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

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

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

ARTICLE 49A - AMENDMENT OF THE COMPREHENSIVE PLAN DOCUMENT

SECTION 49.001A - PURPOSE

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

SECTION 49.002A - REVIEW PROCEDURE

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

SECTION 49.003A - REVIEW CRITERIA

Major Revisions:

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

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

SECTION 49.004A - PROCESSING

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

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

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

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

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

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



CHAPTER 5  
LAND USE ZONES  
ARTICLE 50 - BASIC PROVISIONS

SECTION 50.001 - PURPOSE

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

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

ARTICLE 51 - DESIGNATION OF BASIC ZONES

SECTION 51.001 - LIST OF BASIC ZONES

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

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

SECTION 51.002 - RURAL COMMUNITY RESIDENTIAL (RCR)

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

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

SECTION 51.003 - RURAL (R-5)

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

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

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

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.004 - RURAL (R-1)

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

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

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

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.005 - SUBURBAN RESIDENTIAL (RS)

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

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

SECTION 51.006 - LOW DENSITY RESIDENTIAL (RL)

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

SECTION 51.007 - MEDIUM DENSITY RESIDENTIAL (RM)

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

SECTION 51.008 - HIGH DENSITY RESIDENTIAL (RH)

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

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

SECTION 51.009 - NEIGHBORHOOD COMMERCIAL (CN)

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

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

SECTION 51.010 - COMMUNITY COMMERCIAL (CC)

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.011 - GENERAL COMMERCIAL (CG)

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.012 - RECREATIONAL COMMERCIAL (CR)

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

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

SECTION 51.013 - TRANSPORTATION COMMERCIAL (CT)

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

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

SECTION 51.014 - HIGHWAY COMMERCIAL (CH)

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.015 - LIGHT INDUSTRIAL

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

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

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

SECTION 51.016 - HEAVY INDUSTRIAL

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

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

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

C. CONDITIONAL USES:

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

D. PROPERTY DEVELOPMENT STANDARDS:

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

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

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

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

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

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

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

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

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

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

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

E. PROPERTY DEVELOPMENT STANDARDS:

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

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

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

or the following condition exists:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. PROPERTY DEVELOPMENT STANDARDS:

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

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

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

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

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

- B. PERMITTED USES: The following uses are further defined in Chapter 9 of this Code:
1. Residential - Single-family dwelling or mobile home in conjunction with farm use for the farm operator and for relatives whose assistance in the management of the farm use is or will be required by the farm operator and whose dwelling is located on the same lot or parcel as the farm operator where the parcel meets the minimum requirements of Section 51.019E(1).
  2. Worker Residential
  3. Horticulture
  4. Tree Crops
  5. Row and field crops
  6. Animal raising - small animals, large animals, and specialty.
  7. Forestry - not including recreation or processing of forest products.
  8. Essential services
  9. Animal Raising: Aquatic Species - raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.
  10. Seasonal sale of agricultural products grown or raised on premises
- C. CONDITIONAL NON-FARM USES: The following uses are further defined in Chapter 9 of this Code. Approval shall require findings that the use:
- a. Does not interfere seriously with accepted farming practices on adjacent lands;
  - b. Wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;

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

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

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

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

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

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

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

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



SECTION 51.020 - FORESTRY (F)

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

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

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

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

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

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

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

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

E. CONDITIONAL USE PERMIT CRITERIA

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

F. REVIEW STANDARDS FOR FOREST DWELLINGS

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

G. RESIDENTIAL SITING STANDARDS

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

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

#### H. PROPERTY DEVELOPMENT STANDARDS

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



SECTION 51.021 - FORESTRY/RANGE (FR)

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

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

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

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

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

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

5. Industrial Uses - Limited to the primary processing of forest and agricultural products.
6. Airports and Heliports - Personal use
7. Administrative Services - In conjunction with forestry uses.
8. Mineral and aggregate exploration and extraction.
9. Cemeteries
10. Horse Keeping
11. Feedlots
12. Kennels - Commercial
13. Single-family residence not in conjunction with forest use, and when located on non-resource land.
14. Religious Assembly
15. Community Education
16. Animal Raising - Aquatic Species - Raising, keeping and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and the Water Resources Department with notification to the County Planning Department.

D. NON-FOREST USES: The non-forest uses conditionally permitted above shall be subject to review in accordance with the following criteria. The review authority must find that each such use:

1. Is compatible with forest uses;
2. Does not interfere seriously with accepted forestry practices on adjacent lands devoted to forest use;
3. Does not materially alter the stability of the overall land use pattern of the area;
4. Is situated on generally unsuitable land for the production of forest crops and livestock, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of tract;
5. Considers forest site productivity and minimizes the loss of productive forest lands;
6. Meets the standards relating to the availability of fire protection as set forth in Article 69 of this Code and other rural services, and will not overtax those services; and
7. Complies with such other conditions as the governing body of the County considers necessary.

E. PROPERTY DEVELOPMENT STANDARDS

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

2. Minimum Lot Area for Non-Forest Uses -

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

- a. The parcel shall be designed to use the least amount of forest land consistent with the needs of the proposed use. Wherever possible, land unsuited for forest uses shall be used.
- b. The parcel and the access to it shall be designed so as not to interfere with accepted forest practices on surrounding land.
- c. That where applicable, the proposed division is consistent with the provisions of Section 83.007.

3. Building Setbacks and Yards - See Chapter 6, Article 62

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

5. Distance Between Buildings - See Chapter 6, Article 62

6. Building Heights - See Chapter 6, Article 63

7. Signs - See Chapter 6, Article 66

8. Access - See Chapter 7, Article 71

9. Parking - See Chapter 6, Article 68

10. Landscaping - See Chapter 6, Article 65

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

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

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

SECTION 51.022 - NON-RESOURCE

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

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

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

E. PERMITS FOR NON-PROFIT BUILDINGS:

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

ARTICLE 52 - SPECIAL PURPOSE ZONES

SECTION 52.001 - PLANNED UNIT DEVELOPMENT OVERLAY ZONE

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

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

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

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

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

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

F. CONCEPT PLAN CONTENT:

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

G. CONCEPT PLAN APPROVAL CRITERIA:

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