

areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.

2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes (of over 25%), engineering drawings must be submitted to satisfy engineering specifications.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.

3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
 - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
 - b. If the area is to be served by individual wells, and if there is substantial proof that underground water supply will be affected by additional wells being drilled in this area, that mitigating effects are pursued by the developer.
4. Fire Protection - The proposed development must be within a rural fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, and private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.
8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways.

9. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
10. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e. standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

H. DEVELOPMENT PLAN CONTENT:

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

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

I. SITE DESIGN AND DEVELOPMENT STANDARDS:

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

and adequate drainage facilities as required by the County Engineer.

J. DEVELOPMENT PLAN APPROVAL CRITERIA:

1. A development scheme which assures that uses are consistent with the approved geothermal concept plan.
2. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved geothermal concept plan.

K. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved ministerially by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Subsection G or J, as appropriate.

L. TIME LIMITS, EXTENSIONS AND REMOVAL OF PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

1. Unless an extension is obtained pursuant to Paragraph 2 of this Subsection, a Planned Unit Development Plan must be submitted for approval within one year of the approval of the Planned Unit Development Concept Plan; and development action, such as construction of capital improvements or sale of land must take place within five years of final approval of the P.U.D. Development Plan.
2. Prior to the expiration date of the time limit for the submission of a P.U.D. Development Plan or for initiation of development action established in Paragraph 1 of this Subsection, a P.U.D. developer may apply for a time extension on forms provided by the Planning Department, accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) of such extensions may be granted by the Planning Director upon a written finding that the facts upon which the approval of the Concept Plan or Development Plan, as appropriate, was based have not changed to an extent sufficient to warrant refileing of the Concept Plan or Development Plan and upon a finding that no other development approval would be affected. In no case shall the cumulative length of such extension exceed three (3) years.

3. If a time limit established in Paragraph 1 of this Subsection is not met and no extension is granted pursuant to Paragraph 2 or such extension or extensions expire, the Planning Director shall initiate, pursuant to Chapter 4 of this Code, a zone change proceeding to remove the Planned Unit Development Overlay Zone from the Planned Unit Development site.

SECTION 52.002 - AIRPORT SAFETY AREA - KINGSLEY FIELD

- A. There are hereby created and established certain overlying safety zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones as they apply to the City of Klamath Falls Municipal Airport/Kingsley Field. Such zones are shown on the City of Klamath Falls Municipal Airport/Kingsley Field Approach and Clear Zone Plan adopted by the City Council of Klamath Falls, Oregon, on May 17, 1976. An area located in more than one (1) of the following overlying zones is considered to be only in the overlying zone with the more restrictive height limitation. The various overlying zones are hereby established and defined as follows:
1. Precision Instrument Runway Approach Zone - The inner edge of this zone coincides with the width of the primary surface at the end of Runway 32 and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at the horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 2. Nonprecision Instrument Runway Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface at the end of Runway 14 and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 3. Utility Runway Visual Approach Zone for Runway 7-25 - The inner edge of this approach coincides with the width of the primary surface at the ends of Runway 7-25 and is 500-feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 4. Utility Runway Visual Approach Zone for Runway 18-36 - The inner edge of this approach zone coincides with the width of the primary surface at the ends of Runway 18-36 and is 500-feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
 5. Transitional Zones - These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they

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

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

B. USE RESTRICTIONS

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

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

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

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

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

SECTION 52.003 - AIRPORT NOISE AREA - KINGSLEY FIELD

A. APPLICATION

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

B. PERMITTED AND CONDITIONALLY PERMITTED USES

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

1. Area Within the 65-70 Ldn Contours:

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

2. Area Within the 70 and Greater Ldn Contour:

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

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

C. MITIGATION OF NOISE IMPACTS

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

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

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

A. AIRSTRIP SAFETY AREAS DEFINED

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

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

B. USE RESTRICTIONS

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

C. HEIGHT RESTRICTIONS

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

SECTION 52.005 - FLOOD HAZARD AREA

- A. PURPOSE: The purpose of this overlying zone is to regulate the development of areas that are subject to flooding, erosion or similar hazards, in order to avoid or reduce losses to life and property.
- B. FLOOD HAZARD AREA DEFINED: The flood hazard area is land within the 100-year flood level as shown on the current Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps prepared under the Federal Emergency Management Agency's National Flood Insurance Program. When base flood elevations have not been provided by these maps, the Planning Director and County Engineer shall obtain, review, and reasonably use any base flood elevation data available from a Federal, State, or other source in order to administer Subsection F, below.

If, in the opinion of the applicant, his property is obviously outside the mapped flood plain, he may request the County Engineer to inspect the property to make a site specific determination as to whether the property is, in his opinion, in the flood plain. The County Engineer may then make that determination. If, in his opinion, the property is in the flood plain or close to the flood plain, he may request the applicant to provide detailed information as provided in this section. (Fees to be established by the County at the appropriate County level.)

1. Floodway - The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot.
 2. Flood Fringe - The area of the 100-year flood plain lying outside of the floodway but subject to periodic inundation from flooding.
- C. DEVELOPMENT REQUIREMENTS: All proposed development that occurs within the flood hazard area is subject to regular review procedures and in addition shall be referred to the County Engineer or Building Officials as provided below:
1. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis which demonstrates to the satisfaction of the County Engineer that no structure will be located within the floodway. The following information is required in order to determine the precise location of the floodway:
 - a. Plans drawn to an appropriate scale showing the location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway.
 - b. A typical valley cross-section showing the normal channel of the stream, elevation of the land areas adjoining each side of the channel, cross-sections

of areas to be occupied by the proposed development, and high-water information sufficient to define the 100-year storm flood profile.

- c. A profile showing the slope of the bottom of the channel or flow line of the stream.
2. Structural Plan - Where the data required by the previous subsection indicates that proposed structures are located outside the floodway but within the flood fringe, a structural plan is to be provided for review and approval by the Building Official. The plan is to demonstrate that proposed structures are designed to withstand partial inundation, and that proposed uses will not subject occupants to undue risk of flooding. Such structural plans are to include, where applicable, specifications for building construction, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.
3. Permit Review and Record Keeping - The Planning Director shall review development proposals to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.

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

- a. The elevation above mean sea level of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure has a basement.
 - b. For all new or substantially improved flood-proofed structures, the elevation above mean sea level and the certification of flood proofing as required by Subsection F(2)(b).
 - c. All records pertaining to the provisions of this Section.
- D. EXEMPTIONS TO FLOOD HAZARD AREA STANDARDS: All uses proposed within a Flood Hazard Overlying Zone are subject to the standards presented herein, except:
1. Temporary Uses - The Planning Department may authorize the construction or placement of a temporary structure or use within a flood hazard area without compliance with these standards, with the approval of the Building Official, provided that the structure or use will not be in place during the period from the beginning of October to the end of May.
 2. Emergency Work - Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the County Engineer is

to be notified, and an application filed with the Planning Department in compliance with the provisions of Section 84.003.

3. Existing Uses - The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this Code is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this Code.
- E. SITE DESIGN STANDARDS: The following site design standards shall apply to all land and buildings, except that any lot held under separate ownership or of record on the effective date of this Code, which is substandard in area or dimensions, may be used subject to all other standards:
1. Lot Area, Lot Dimensions, Yards, Building Heights, Distance between Buildings, Signs and Off-Street Parking shall be in accordance with the basic zone requirements.
 2. Fences, Hedges and Walls - No fence, hedge, or wall shall be placed to restrict normal or free flow of water or access for maintenance vehicles to the natural water course.
 3. Access - Access to area shall be provided as required to permit maintenance of natural resources and shall be subject to the approval of the Public Works Department.
- F. CONSTRUCTION STANDARDS:
1. General Standards - In all areas of special flood hazards, the following standards are required:
 - a. Anchoring -
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

- (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - (iv) any additions to the mobile home be similarly anchored.
- (3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the Building Official that this standard has been met.
- b. Construction Materials and Methods -
- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Utilities -
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- d. Subdivision Proposals -
- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

e. Review of Building Permits -

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

2. Specific Standards - In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection B, Flood Hazard Area defined, the following provisions are required:

a. Residential Construction -

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

b. Nonresidential Construction -

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of bouyancy; and
- (3) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Subsection C.

c. Mobile Homes -

- (1) Mobile homes shall be anchored in accordance with Subsection F(1)(a)(2).

- (2) For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair, reconstruction, or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities, and pads before the repair, reconstruction, or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:
 - (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - (ii) adequate surface drainage and access for a hauler are provided; and,
 - (iii) in the instance of elevation on pilings, that:
 - lots are large enough to permit steps,
 - piling foundations are placed in stable soil no more than 10 feet apart, and
 - reinforcement is provided for pilings more than 6 feet above the ground level.
 - (3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.
3. Floodways - Located within areas of special flood hazard established in Subsection B are areas designed as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:
- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - b. If the above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Subsection F, Construction Standards.

G. ALTERATION OF WATERCOURSES:

1. Prior to any alteration or relocation of a watercourse, the Planning Director shall notify affected adjacent communities and the State Coordinating Office of the proposed changes. A copy of the notice shall be sent to the Federal Insurance Administration.
2. The altered or relocated portion of any watercourse shall be maintained so that the flood carrying capacity is not diminished.

SECTION 52.006 - GEOTHERMAL OVERLAY ZONE

- A. PURPOSE: The purpose of the Geothermal Overlay Zone is to efficiently use and maximize significant geothermal resources of Klamath County for industrial and commercial processes.
- B. APPLICABILITY: The Geothermal Overlay Zone shall be applied only to land meeting all of the following standards:
1. That all applicable comprehensive plan policies be met with specific consideration of policies numbered Goal #2, Goal #11, Policy #13; Goal #12, Policy #2; Goal #12, Policy #4; Goal #13, Policies #1, #2, and #4.
 2. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.
 3. This overlay zone designation can only be applied to those lands as identified on the Generalized Groundwater Aquifers and Geothermal Resource Map, or where sufficient studies and test wells indicate a significant geothermal resource exists.
 4. That the resource must be used, and used primarily for either industrial or commercial process uses.
 5. That geothermal resource shall be used in accordance with any State or Federal laws in effect. All relevant definitions will be those as listed in State ORS 523.010.
- C. PERMITTED USES: Any use types which are either permitted outright or conditionally permitted as provided by Chapter 5 in the Industrial or Commercial zones shall be permitted provided such uses are primary geothermal process users. All use types which will be included within a Geothermal Overlay Zone shall be listed in the Development Plan.
- D. CONDITIONAL USES: Residential and convenience commercial uses when secondary to an industrial or commercial geothermal process use will be permitted conditionally. Such uses are permitted within the Geothermal Overlay Zone when they are found to be (1) necessary for the housing of an employee, employees and their families of an identified process use, and (2) a necessary convenience commercial service as support for existing geothermal process use. Commercial and residential uses which are secondary to industrial or commercial process uses may be allowed subject to the following:
1. Any request to develop secondary residential or convenience commercial uses shall identify the specific industrial or commercial geothermal process use or uses for which the residential and convenience commercial uses are necessary, and shall be supported by appropriate documentation showing

that the number of residential units proposed or that the type of commercial uses is necessary, based on the following:

a. Residential

1. The employment level of the process uses, and
2. The availability of other housing and vacant residential land within a reasonable commuting distance.

b. Convenience Commercial

1. The employment level of the process use or uses, and
2. The availability of other commercial land within a reasonable commuting distance, and
3. The number of approved residential dwellings found necessary to support proposed or existing geothermal process uses.

2. The geothermal concept plan may identify the amount and locations of secondary residential or convenience commercial uses to be developed; however, no land division for residential or commercial uses shall be approved until after issuance of building permits for the process use or uses to which the residential or commercial uses are identified as secondary. No building permits for secondary residential or convenience commercial shall be issued until building permits for industrial or commercial geothermal process use have been issued and construction has commenced.

E. PROCEDURE: The application of a Geothermal Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 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. If the Geothermal Development Plan contains more than one phase, only the preliminary plat for the first phase needs to be presented for review.

1. Prior to submission of an application for a change of zone designation in order to apply the Geothermal Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Subsections F and G 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 Geothermal Overlay Zone change and Concept Plan applications at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and concept plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in 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 H.
 3. Approval of Development Plans shall also be subject to the criteria of Subsection N.
 4. Preliminary subdivision or partition plans shall be reviewed pursuant to the applicable land division procedures and criteria and must conform to the approved Development Plan.
 5. In the case of land zoned Geothermal as of December 10, 1984, the Geothermal Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided in Subsections 1-5 of this Subsection.
- F. CONCEPT PLAN: Prior to submission of an application for a change of zone designation, the prospective applicant shall submit to the Planning Director a Geothermal Concept Plan addressing the requirements of F and the standards in G below. Upon receipt of a concept plan satisfying one and two below, the Planning Director shall schedule and hold a concept plan review 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.

The Planning Director will schedule a public hearing for a plan amendment, zone change, and if applicable, an exception to statewide planning goals provided the proposed concept plan contains the necessary information. Land designated with a Geothermal Overlay Zone in accordance with Section 52.006 of the Land Development Code will not be implemented until the development plan has received approval.

1. DESIGN TEAM:

The concept plan and development plan must have stamped or have written approval from at least three of the five following professional disciplines:

- (1) Registered Architect;
- (2) Registered Landscape Architect;
- (3) Registered Engineer;
- (4) Land Use Planner, APA or AICP;
- (5) Registered Land Surveyor.

2. CONCEPT PLAN:

The following information must be submitted within the concept plan:

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

G. APPROVAL OR DENIAL OF THE CONCEPT PLAN IS SUBJECT TO THE FOLLOWING STANDARDS:

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

1. The level of sewer service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.
2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes (of over 25%), the requirements of Article 72--Site Drainage and Grading must be met.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.

3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
 - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
 - b. If the area is to be served by individual wells, a hydrology report by a registered engineer shall be submitted, showing that the quality and quantity of water on the property are adequate to serve the proposed development.
4. Fire Protection - The proposed development must be within a fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, or private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.

8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways. Compliance with the provisions of Article 83--Significant Resource Area, shall be required.
 9. Land Use Conflicts Relating to Industrial/Commercial and Residential Mixes - Would additional residential development create a significant economic hardship on surrounding industrial or commercial development? If so, additional residential development may be denied.
 10. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
 11. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e., standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).
 12. Siting Standards -
 - a. In order to conserve resource lands or to resolve conflicts between the proposed process or residential uses and adjacent farm and/or forest uses and wildlife areas, the reviewing authority may require:
 - (1) The process or residential uses be sited no closer than 100 feet from all other lot lines;
 - (2) The buildings are sited on lands least suitable for farm or forest use;
 - (3) The standards contained in Section 83.010--Compatibility Siting Criteria for Big Game Winter Range Areas shall apply, if applicable.
 - b. Where possible, process or residential uses shall maintain a setback of fifty (50) feet from adjoining property lines (subject to a(1) above).
 - c. 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 a(1) above).
- H. DEVELOPMENT PLAN: This plan may be submitted at the time the Concept Plan is submitted. If not, it must be submitted prior to actual development.

Approval of the development plan will be made by the Planning Director if there is no major or minor partition or subdivision requested within the development plan or any substantial change from the approved concept plan.

Development plans which propose major or minor partitioning or subdivision or which propose a substantial change from the approved concept plan will be processed pursuant to Chapter 4 of the Land Development Code. Approval or denial of the development plan shall be based on a finding that the following standards have been satisfied:

1. A development scheme which assures that uses are consistent with the approved geothermal concept plan;
2. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved geothermal concept plan.

Information necessary to evaluate the development plan is as follows:

1. Narrative:
 - a. A statement of location and intensity of proposed uses and activities, including:
 - b. Public and private open spaces;
 - c. A physical description of proposed facilities accommodating such uses, including types of buildings, structure;
 - d. Landscaping;
 - e. Circulation plan;
 - f. Statement of location and general configuration of lands to be dedicated for public open space;
 - g. Other public uses, general description of utilities, general statement of form of site management proposed in areas of significant natural resources;
 - h. A statement detailing the consistency of the proposed development project with major public development programs, including, but not limited to, freeways, highways, parks, trails, open spaces, utility transmission lines;
 - i. The phase schedules of proposed major public facilities;
 - j. Schools, fire protection, police protection, sanitary and water facilities;

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

I. APPLICATION FOR SITE DESIGN AND DEVELOPMENT STANDARDS:

1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived in a Geothermal Designation providing that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety, and welfare.

2. Standards for roadway improvements in urban areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet, and adequate drainage facilities as required by County Engineer.
3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission subject to a minimum requirement of a fifty (50) feet wide right-of-way, twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders and adequate drainage facilities as required by the County Engineer.

J. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Sections F or G, as appropriate.

1. Definitions:

a. "Minor Revision" means a change which:

- (1) Does not increase residential densities;
- (2) Does not enlarge the boundaries of the approved plan;
- (3) Does not change any use;
- (4) Does not change the general location or amount of land devoted to a specific land use, including open space;
- (5) Does not eliminate the preservation of a significant landscape feature; and
- (6) Includes only minor shifting of the location of buildings, proposed public or private streets, pedestrian ways, utility easements, or common or public open spaces.

b. "Major Revision" is any change which does not meet the definition of a "Minor revision."

CHAPTER 6
PLANNING DEPARTMENT
SITE DESIGN AND DEVELOPMENT STANDARDS
ARTICLE 60 - BASIC PROVISIONS

SECTION 60.001 - PURPOSE

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

SECTION 60.002 - APPLICATION

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

SECTION 60.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

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

SECTION 60.004 - STANDARDS PROVIDED

This chapter provides standards for the following:

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

ARTICLE 61 - LOT SIZE AND SHAPE

SECTION 61.001 - LOT SIZE AND SHAPE

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

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

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

SECTION 61.002 - FLAG LOTS

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

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

ARTICLE 62 - BUILDING SETBACKS AND YARDS

SECTION 62.001 - PURPOSE

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

SECTION 62.002 - EXEMPTION TO YARD STANDARDS

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

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

SECTION 62.003 - FRONT YARDS

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

- A. Residential Uses
 1. R-5, R-1, and Suburban Residential zones shall have a minimum front yard of twenty-five (25) feet.
 2. Low Density, Rural Community Residential, Medium and High Density Residential zones shall have a minimum front yard of twenty (20) feet.

3. The above standards shall apply, except as follows:

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

B. Commercial and Industrial Zones

1. Commercial and industrial zones shall have a minimum front yard of twenty-five (25) feet, except:
 - a. Where the adjacent and adjoining properties are of a similar use type in which case the minimum front yard may be reduced to ten (10) feet.
 - b. Where the uses adjacent to a Heavy Industrial zone are residential or agricultural, in which case the minimum front yard shall be at least seventy-five (75) feet.
2. Required front yards in commercial and industrial zones shall be used for landscaping and limited parking. Where possible, parking will be provided adjacent to the sides and rear of buildings.

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

D. Double Frontage Lots

1. Where double frontage yard locations are not specified by subdivision map requirement or other applicable regulations, the applicant may select the street for the front yard unless fifty percent (50%) of the lots on a double frontage block are developed with the same front yard orientation, all remaining lots are to orient their front yards the same as the majority.

SECTION 62.004 - SIDE YARDS

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

- A. General Side Yard Requirements - These requirements apply except where otherwise provided by this section.
 1. For lots of one (1) acre or more in area, ten (10) feet.
 2. For lots less than one (1) acre in area, five (5) feet.
 3. Buildings greater than one story in height shall have side yards increased two and one-half (2½) feet for each story or fraction thereof above the first story.
- B. Corner Lots - The side yard on the street side of the corner lot is to be a minimum of ten (10) feet, except that:
 1. In R-5, R-1, or Suburban Residential zones, side yards shall be a minimum of fifteen (15) feet.
 2. A lot having width less than fifty (50) feet is to be provided a minimum side yard of five (5) feet.
- C. Accessory Buildings - Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required side yard setbacks of the applicable zone. A side yard may be used for an accessory building no greater than 14 feet in height provided it is either:

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

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

SECTION 62.005 - REAR YARDS

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

A. Residential Zones

1. There shall be a minimum rear yard of twenty-five (25) feet in R-5, R-1, and Suburban Residential zones.
2. There shall be a minimum rear yard of twenty (20) feet in Rural Community Residential, Low, Medium, and High Density Residential zones.

B. Accessory Building - As herein permitted, accessory buildings may be located in a rear yard of a residential zone provided that the accessory building is no greater than 14 feet in height and is located no closer than five (5) feet from the rear property line. Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required rear yard setback requirements of the applicable zone.

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

1. Where the rear property line abuts an alley, the rear yard is to be at least five (5) feet.
2. Where the rear property line abuts a residential, agricultural, or forestry zone, the rear yard is to be a minimum of fifteen (15) feet. The minimum rear yard is to be increased one (1) foot for each three (3) feet of commercial or industrial building height above twelve (12) feet. The required rear yard may be used for parking, storage, or landscaping.

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

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

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

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

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

SECTION 62.006 - Interior

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

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

SECTION 62.007 - RIPARIAN SETBACK STANDARDS

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

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

A. Riparian Setback Requirement Exceptions -

1. Residential lots of record or approved subdivision lots granted an exception which have a lot depth which precludes compliance with the setback standards of this section shall be exempt from the strict application of these standards. Such structures shall be setback the maximum practicable distance.
2. If existing structures do not meet setback standards, additions may meet the same setback as the existing structure but may not exceed the setback of the existing structure.
3. Public uses, such as bridges for public roads, shall be allowed within the setbacks stated in this section provided that adverse impacts are mitigated.
4. Structures necessary to make use of a water right.

B. Criteria for Reduction of Setback Standards - Exceptions to riparian setback standards may be granted when the Planning Director finds after consultation with the Oregon Department of Fish and Wildlife or after review under Article 43 that:

1. The character and size of the proposed development and its potential for adverse impacts on the water resource, fish or wildlife habitat area, or fish or wildlife species is minimal and therefore the setback area may be reduced.
2. The topography of the area precludes the necessity of the riparian setback since topography protects the water resource, fish or wildlife habitat area, or fish or wildlife species from the detrimental impact of the proposed use.
3. The type and density of the existing vegetation is such that the width of the setback may be reduced without disturbing the critical habitat value, water quality or wildlife species.
4. The type and stability of soils will preclude erosion.
5. The reduction of the setback will have no significant or cumulative negative impacts on the water resource or wildlife habitat provided by the riparian area.

C. Water Dependent Uses - Water dependent commercial and industrial uses and private boat docks, marinas, and boat ramps, which are proposed in waters solely under county jurisdiction shall be subject to the approval

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

ARTICLE 63 - HEIGHTS

SECTION 63.001 - PURPOSE

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

SECTION 63.002 - MEASUREMENT OF HEIGHT

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

SECTION 63.003 - HEIGHTS

The maximum height for new structures is to be as follows, unless such structures are located in the Airport Hazard Area in which case the height limitations prescribed in Section 52.002(c) shall govern.

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

SECTION 63.004 - EXEMPTIONS TO HEIGHT LIMITATIONS

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

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

ARTICLE 64 - FENCES, HEDGES AND WALLS

SECTION 64.001 - PURPOSE

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

SECTION 64.002 - REQUIRED AND PERMITTED FENCES, HEDGES AND WALLS

- A. Visual Obstruction Prohibited - No fence, hedge or wall shall be placed to create a visual obstruction to vehicular traffic, and the provisions of Article 64 shall apply.
- B. Front Lot Lines - Fences, hedges and walls not greater than three (3) feet in height shall be permitted on or within front property lines, provided they do not obscure vision, except that fences, hedges, and walls may be six (6) feet in height if they are constructed of open mesh or materials that do not obscure vision.
- C. Side and Rear Lot Lines - Fences, hedges, and walls not greater than six (6) feet in height shall be permitted on or within all rear and side property lines of interior and corner lots, except that they shall not be located closer than ten (10) feet to the side property line of a reverse corner lot.
- D. Side and Rear Lot Lines of Nonresidential Uses - The side and rear property lines of all non-residential uses shall be screened as follows:
 1. When abutting a residential or agricultural use of zone, a solid wall or fencing not exceeding six (6) feet in height shall be located on side and rear property lines of any non-residential use or land use zone.
 2. A wall or screened fencing not exceeding six (6) feet in height shall be located on the side and rear property lines of any site within the industrial and commercial use or zone which abuts another land use type or zone.
- E. Swimming Pools - Yard areas containing private swimming pools shall be fenced to discourage unsupervised access and use by small children. Such fencing may be a minimum of six (6) feet high and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area, provided that the entire perimeter of the pool area is secured.

- F. Mechanical Equipment - When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents, or chimneys, shall be screened to the height of the particular piece of equipment, as follows:
1. Roof-mounted equipment shall be screened by architectural features from the view of abutting streets.
 2. Equipment at grade when located on the ground adjacent to a building, mechanical equipment shall be screened by landscaping, by a wall or fencing from the view of the street or surrounding properties.
- G. Outdoor Storage - Outdoor storage in commercial or industrial zones shall be screened on all sides by a wall or fencing to the height of the stored items, but in no event to exceed twelve (12) feet.
- H. Public Utility Substations - Public utility substations shall be screened on all sides by screening or fencing.

SECTION 64.003 - HEIGHT EXEMPTIONS

- A. Security Fencing - Security fencing consisting of chain link fencing or similar material may be permitted at a height in excess of height limitations provided herein provided the:
1. Security fencing shall not exceed height limitation for fences when located in the required front yard.
 2. Security fencing shall not be constructed of materials to form a solid barrier.
 3. Security fencing shall in no event exceed twelve (12) feet in height.
- B. Play Area Fencing - Fences constructed of chain link fencing or the like that enclose game or play areas may be permitted at a height in excess of the height limitations herein provided that:
1. Fencing shall not exceed height limitations when located in the required front yard.
 2. Fencing shall not be constructed of materials to form a solid barrier.
 3. Fencing shall in no event exceed twelve (12) feet in height.

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

SECTION 64.004 - SCREENING MATERIALS

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

- A. Landscape Screen - Screening plant materials may be substituted for a wall or fence, where:
 - 1. The applicant agrees in writing to install solid fencing after the expiration of thirty-six months, in the event that the landscaping has not totally blocked the view of areas required to be screened.
- B. Berms - A landscaped berm may be substituted for a wall or fence provided that the combination of berm and landscaping is no less than the required height of the fence or wall, and that the berm is constructed with a maximum slope of 3:1, with side slopes designed and planted so as to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. The berm is to be planted with shrubs or lawn.
- C. Slatted Chain-Link Fencing - Chain-link fences with slats may be substituted for a wall or fence in an industrial zone, except where screening fencing is required adjacent to another land use zone.

ARTICLE 65 - LANDSCAPING

SECTION 65.001 - PURPOSE

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

SECTION 65.002 - REQUIRED LANDSCAPING

- A. Landscaping shall be provided for sites where the following uses occur:
 1. Industrial Use Types - As defined by Article 94.
 2. Commercial Use Types - As defined by Article 93.
 3. Mobile Home Parks Use Types - As required by Article 84.
 4. Civic Use Types - As defined by Article 92.
 5. Residential-Multiple Family, Group and Group Care - As defined by Article 91.
 6. Planned Unit Development - As required by Section 52.001.
 7. Geothermal Resource Area - As required by Section 52.006.
- B. Landscaping shall not be located within public right-of-ways except in cases where there is a designated planting area in the right-of-way or when approval has been granted by the Director of Public Works (or his designee) or other responsible agency (e.g. State Highway Department).
- C. Landscape screens, where required, shall comply with the applicable provisions of Sections 64.004 - Screening Materials.

SECTION 65.003 - LANDSCAPING PLANS

- A. PURPOSE - The purpose of a landscaping plan is to identify the placement and type of plant materials as features of project design. By detailing the plantings and method of irrigation proposed, landscaping plans provide an effective means for evaluating whether chosen plant materials will survive in the climate and soils of a given site; satisfy the functional objectives of landscaping (such as erosion control, screening and shade) within a reasonable time; and whether plantings will ensure safe pedestrian and auto traffic circulation.
- B. WHERE REQUIRED - Landscaping plans are required to accompany all applications for Site Plan, Concept Plan, and Development Plan approval for the uses listed in Section 65.002.

C. LANDSCAPING PLAN REVIEW

1. Landscaping plans shall be processed and reviewed as specified in Article 41 - Site Plan Approval.

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

1. Property and lot boundaries and right-of-ways.
2. The location of all trees existing in or within 50 feet of areas proposed for grading or other construction. Trees to be removed are to be identified.
3. Any shrubs or plants identified as endangered or to otherwise be protected.
4. Structures and impervious surfaces.
5. Plant material and locations whether existing or to be planted. Where necessary, a schedule listing the common and botanical names of plants may be required.
6. Details and location of proposed fencing, entries, parking and circulation provisions, trash collection areas and free-standing signs.
7. Walkways, plazas and sitting areas, play areas, including related street furniture and permanent outdoor equipment.
8. Outdoor light fixtures, including their location and height.
9. Irrigation system.

SECTION 65.004 - STANDARDS FOR LANDSCAPING MATERIALS

Where landscaping is required by Section 65.002, the materials used are subject to the following provisions:

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

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

2. Natural features, such as rock or stone outcrops;
 3. Structural features including fountains, pools, art work, walls and fences.
- B. Excluded Materials - Landscaping proposed to satisfy the requirements of this Code shall not include:
1. Plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of existing public or private under- or above-ground electrical lines, cables, or conduits, pipes or other utilities; or public or private sidewalks, curbs, gutters or paved parking and turn-around areas, drainage improvements, or adjacent structures, foundations, or landscape materials.
 2. Any species of Poplars (Populus), Willows (Salix), Elms (Ulmus), and Box Elders (Acer Negundo).
 3. Conifers, fruit trees, or nut trees within designated planting areas located in public right-of-ways.

SECTION 65.005 - PLANTING AND MAINTENANCE

A. Developed Site Area -

For purposes of this Section, "Developed Site Area" shall be defined as the square footage of the area indicated on the plot plan minus the ground floor area of the building(s). At a minimum, the area indicated on the plot plan shall include the area required for parking, ingress and egress, setback areas and other areas which may be required as a condition of site plan approval, which are part of the ownership.

Landscaping proposed to satisfy the minimum area percentage standards listed in this Section shall not include landscaping required as a screen or buffer pursuant to Section 64.004, or as a condition of land use approval.

B. Minimum Area Requirement - New Construction

Landscaping shall be provided as follows:

1. Industrial Use Types - 2 percent of the developed site area.
2. Commercial Use Types - 5 percent of the developed site area.
3. Civic Use Types, Mobile Home Parks, Multiple Family, Group and Group Care - 10 percent of the developed site area.

4. Planned Unit Development and Geothermal Resource Area -
The review procedure and development standards for landscaping shall be as specified in the approval of the Planned Unit Development or Geothermal Resource Area Development Plan and in no instance shall be less than that required for equivalent use types listed in this Section.
- C. Minimum Area Requirements - Additions
 1. Additions to use types defined in Section 65.002 shall provide landscaping as follows:
 - a. Industrial Use Types - 2 percent of the addition's total square footage.
 - b. Commercial Use Types - 5 percent of the addition's total square footage.
 - c. Civic Use Types, Mobile Home Parks, Multiple Family, Group and Group Care - 10 percent of the addition's total square footage.
 - d. Planned Unit Development and Geothermal Resource Area - Landscaping shall be provided as required for equivalent use types listed in this Section.
 - D. Installation
 1. Required landscaping shall be installed within fifteen (15) months after occupancy. Extensions of time may be granted by the Planning Director if good faith efforts are being made to complete the required work.
 - E. Maintenance
 1. All required planting shall be maintained by the owner in good growing, neat, clean, and aesthetic condition, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to that which died.
 - F. Exemptions
 1. Exemptions from the requirements of Section 65.005 may be granted by the Planning Director on a case by case basis.

ARTICLE 66 - SIGNS

SECTION 66.001 - PURPOSE

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

- A. Establish a comprehensive system for the regulation of signs;
- B. Support the use of signing to aid orientation, identify business and activities, express local history and character, or serve other information purposes;
- C. Protect the ability of the public to identify uses and premises without confusion by encouraging signs to be designed with a scale, graphic character, and type of lighting compatible with the appearance of the buildings and uses in the vicinity;
- D. Support the use of signing which is maintained in a safe and attractive condition which does not:
 1. Create distractions which may jeopardize pedestrian or vehicular traffic safety; or
 2. Produce glare which adversely affects residential uses;
- E. Preserve and enhance the county's environment.

SECTION 66.002 - APPLICATION

No person shall place, erect, construct, or otherwise maintain any signs which are not in compliance with the provisions contained in this Code or any other applicable ordinance or statute. Signs permitted by this Code shall meet minimum standards to safeguard life, health, property, and public welfare as prescribed by the Uniform Sign Code, in addition to those standards required by this Code.

SECTION 66.003 - EXEMPT SIGNS

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

- A. Directional, warning, or information signs required or authorized by law which are erected by federal, state, county, or municipal officials.
- B. Official notices issued by a court or public body or office and posted in the performance of a public duty.

- C. Danger signs, railroad crossing signs, and signs of public utility companies indicating danger and aids to service or safety.
- D. House numbers.
- E. "No trespassing", "no parking", and similar warning signs.
- F. Signs on public transportation vehicles regulated by a political subdivision, including but not limited to buses and taxicabs.
- G. Signs on licensed commercial vehicles, provided such vehicles are not used or intended for use as portable signs.
- H. Signs which are not intended to be viewed from public streets and are not legible therefrom nor from adjacent properties, such as signs in interior areas of shopping centers, commercial buildings and structures, ball parks, stadiums, race tracks, and similar uses of a recreational or entertainment nature.
- I. Signs in support of political candidates may not exceed ten (10) days after Election Day.

SECTION 66.004 - NONCONFORMING SIGNS

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

SECTION 66.005 - GENERAL SIGN STANDARDS

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

- A. Safety
 - 1. No signs or advertising structures shall be permitted within any road right-of-way.
 - 2. Any sign which simulates or imitates in size, color, lettering, or design any traffic sign or signal or which makes use of words, symbols, or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic shall be prohibited.
- B. Maintenance - All signs and advertising structures shall be maintained in a neat, legible, and orderly condition. In

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

- C. Illumination - Illuminated signs are to be indirectly lighted by continuous, stationary, shielded light sources, directed solely at the sign or internal to it, in such a manner as to prevent glare and annoyance to the public. Signs consisting of any flashing component are to be prohibited, where they are visible from any street or highway.

SECTION 66.006 - MEASUREMENT OF SIGN AREA

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

- A. Sign Faces Counted - Where a sign has two faces containing sign copy which are oriented back-to-back, the area of the sign is to be measured using one sign face only if the two faces are of equal area; or if the faces are of different size, only the area of the larger face shall be measured.
- B. Wall-Mounted Letters - Where a sign is composed of letters individually mounted or painted on a building wall, without a border or decorative enclosure, the sign area is to be measured as the number of square feet for the smallest rectangle within which all the letters can be enclosed.
- C. Three-Dimensional Signs - Where a sign consists of one or more three-dimensional objects such as balls, cubes, clusters of objects, or sculptural or statue-type trademarks, the sign area is to be measured as the area of the smallest rectangle within which the object(s) can be enclosed, when viewed from a point where the largest area of the object(s) can be seen.

SECTION 66.007 - PERMITTED SIGNS

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

- A. Directional signs shall offer direction and orientation to the location of facilities on the premises, provided such signs are located on the subject property.
- B. Identification signs may be used to indicate the name, address, nature, operation, or permitted home occupation of the premises on which it is located.
- C. Signs offering premises for sale or rent or notices of vacancy shall be posted on the subject lot or on a building thereon by the owner or his authorized agent. In residential zones, no more than one (1) such sign shall be posted for each street frontage. In commercial zones, no more than one (1) sign shall be posted for each unit.
- D. Window and A-frame signs may be posted in industrial zones to advertise sale of products available from the premises, provided:
 1. Such products are available and located on subject property;
 2. Total area of such signs shall not exceed twenty-five percent (25%) of the window area; and
 3. Such signs shall be affixed to the interior window surface.
- E. Temporary Signs
 1. Such signs may be placed within any required yard provided said signs are not located nearer to any property line than five (5) feet to any property line.
 2. Such signs which denote the architect, engineer, owner and contractor, may be placed upon the site of any building or structure under construction, alteration, or in the process of being located, provided that such signs be no more than twenty (20) square feet in area and that they shall be removed from the premises upon completion of construction, alteration, or relocation of the building or structure.
 3. Temporary signs shall meet all requirements of the Uniform Sign Code.
- F. Off Premise Signs -
 1. Business Identification Signs - a sign not exceeding sixteen square feet that identifies a business and displays only information necessary to adequately describe the business and the direction and distance to the business.
 - a. Eligibility - a business identification sign will be permitted only for those activities located away from an arterial or collector road where the business and its on-premise signs are not visible from the arterial or collector road.

- b. Location - business identification signs may be located only in the commercial or industrial zones and must be within three road miles from the activity identified on the sign.
 - c. Number - for any single business or activity, not more than two business identification signs shall be permitted.
 - d. Content - the only information which may be contained on a business identification sign is the name of the activity, a trademark or logo, and the direction or distance to the activity.
2. Bench Signs - an outdoor advertising sign forming the backrest of a bench.
- a. Location - bench signs must be located at a bus stop on a transit system bus route.
 - b. Size - the maximum allowable size is sixteen square feet and the sign shall not exceed two feet in height or eight feet in length excluding supports. The top of a bench sign shall not be higher than four feet.
3. Outdoor Advertising Signs - a sign advertising goods, products or services which are not sold, manufactured or distributed at the premises on which the sign is located or which advertises facilities not located on the premises on which the sign is located.
- a. Location - outdoor advertising signs must be located in an industrial or commercial zone and shall be within 750 feet of a developed commercial or industrial area as measured parallel to the centerline of the highway. For the purposes of this section, a "developed commercial or industrial area" shall include only the land occupied by a building, parking lot, storage or processing area of a commercial or industrial use on the same side of the highway as the sign. The minimum spacing between signs shall be five hundred feet.
 - b. Size - an outdoor advertising sign shall not exceed a length of 24 feet, a height of 12 feet, and a sign area of 350 square feet. In determining the dimensions or area of a sign under this section, cutouts that project beyond the borders of a sign shall be included in measuring the area of a sign but not its height or length. The sign area of cutouts shall be no more than 20 percent of the sign to which attached.
- G. Animated signs are allowed.

PERMITTED SIGN LOCATION AND SIZE
 (Total Combined Square Feet of Signs)
 (Part of Section 66.007)

ZONES

SIGN	Residential										Commercial						Industrial						AG & F Zones						
	NR				R-5				PUD		CN		CC		CG		CR		CT		CH			GR		IL		IH	
	RS	RL	R-1	R-2	RCR	RM	RH	RH																					
Directional Signs	-	-	-	-	-	-	-	-	10	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	-	
Identification Signs	6	6	6	6	6	6	36	80	100	300	50	300	300	300	300	300	300	300	300	300	100	100	100	100	100	50	50	-	
Name Plates	1	1	1	1	1	1	-	-	3	3	3	-	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	-	
Signs offering premises for sale or rent, or notice of vacancy	6	6	4	4	4	4	36	6	6	20	-	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	6	-	
Animated Signs	-	-	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	

* = Allowed

SECTION 66.008 - HEIGHT LIMITATIONS

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

- A. A freeway oriented sign may be increased by no more than ten (10) feet than would otherwise be permitted.
- B. Community identity signs that identify a community, its civic, fraternal, and religious organizations, or its slogan or motto, shall not exceed a height of twenty (20) feet above the average ground elevation beneath the sign.

ARTICLE 68 - PARKING AND LOADING

SECTION 68.061 - OFF STREET PARKING SPACES AND LOADING FACILITIES

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

- A. Eligibility of Street Parking Spaces - Parking Spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- B. Computation Rule for More than One Use in a Structure - In the event that several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.
- C. Shared Parking Facilities - Required parking facilities of two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature) and provide that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- D. Computation Rule for Fractions - If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half ($\frac{1}{2}$) or more, an additional space shall be required; if such fraction is less than one-half ($\frac{1}{2}$) it may be disregarded.
- E. Computation Rule Based on Number of Employees - When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaging in the specified activity on the lot during the largest shift of the peak season.
- F. Computation Rule Based on Number of Seats - When the parking requirement is based on the number of seats, each 20 inches of pews or similar facilities shall be counted as one seat.
- G. Computation Rule Based on Number of Students - When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.

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

SECTION 68.002 - REQUIRED OFF-STREET PARKING SPACES

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

SECTION 68.003 - PARKING FACILITIES FOR THE PHYSICALLY HANDICAPPED

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

SECTION 68.004 - REQUIRED LOADING FACILITIES

The following provisions shall apply to all loading facilities:

- A. The minimum area required for loading spaces shall be no less than two hundred fifty (250) square feet each where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
- B. The minimum area required for loading spaces shall be not less than five hundred (500) square feet each where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
- C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each where the gross floor area of all buildings on a lot or parcel of land exceeds fifty (50,000) square feet.
- D. The minimum required loading area shall be not less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.
- E. The required loading area shall be easily accessible from a street, highway or area.

SECTION 68.005 - PARKING DESIGN STANDARDS

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

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

TABLE OF OFF-STREET PARKING REQUIREMENTS
 (Part of Section 58.002)

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

Table of Off-Street Parking Requirements (Continued)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Civic (Continued)</u>		
Cultural Exhibits and Library	1 for each 2 employees	1 for each 500 sq. ft. in gross floor area
Essential Services	none	none
Extensive Impact Services		
Airport	1 for each 2 employees	1 for each 3 departing passengers based on average travel day
Amusement Park/Fairground	1 for each 4 employees	1 for each 75 sq. ft. of exhibit and amusement area
Auditoriums	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area not containing fixed seats
Bus Terminal	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Hospital		1 1/2 for each patient bed
Public Utility Facilities	1 for each 2 employees and 1 for each company vehicle	
Rail Station	1 for each 2 employees	1 for each 10 departing passengers based on average travel day
Sports Arena/Stadium	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 75 sq. ft. of seating area not containing fixed seats
Postal Services	1 for each 2 employees and 1 for each company vehicle	1 for each 100 sq. ft. of customer service area
Religious Assembly		1 for each 29 fixed seats or 1 for each 450 sq. ft. of gross floor area, whichever is greater

Table of Off-Street Parking Requirements (Continued)

<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Commercial</u>		
Administrative and Professional Offices	1 for each 2 employees	1 for each 450 sq. ft. of gross floor area
Agricultural Supplies and Services	1 for each 300 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 500 sq. ft. of covered accessory storage area, plus one for each 1,000 sq. ft. of outdoor sales area	
Animal Sales and Services	1 for each 2 employees	1 for each 300 sq. ft. of gross floor area
Automotive & Equipment: Repairs, Heavy	1 for each 2 employees OR	1 for each 800 sq. ft. of gross floor area, whichever is greater
Repairs, Light	1 for each company vehicle and one for each 2 employees	1 for each 100 sq. ft. of auto service area
Farm Equipment	1 for each 2 employees OR	1 for each 800 sq. ft. of gross floor area, whichever is greater
Sales/Rental, Heavy	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	
Sales/Rental, Light	1 for each 2 persons employed	1 for each 500 sq. ft. of showroom area plus 1 for each 10 vehicles displayed (or stored)
Building Maintenance	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Equipment Sales/Service	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Business Support	1 for each company vehicle	1 for each 1,000 sq. ft. of gross floor area
Communications	1 for each 200 sq. ft. of ground floor area, 1 for each 500 sq. ft. of other floors, 1 for each 300 sq. ft. of covered accessory storage area, plus 1 for each 2,000 sq. ft. of outdoor sales area	

Table of Off-Street Parking Requirements (Continued)

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

Table of Off-Street Parking Requirements (Continued)

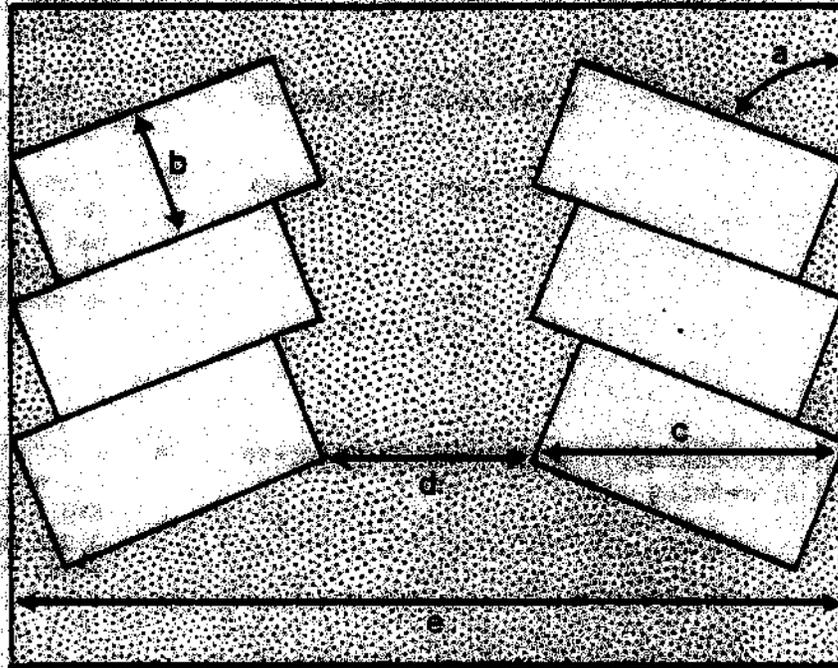
<u>USE TYPE</u>	<u>RESIDENT OR EMPLOYEE PARKING</u>	<u>VISITOR OR USER PARKING</u>
<u>Commercial (Continued)</u>		
<u>Personal Services</u>		
Beauty & Barber Shops	1 for each 2 employees	2 per chair
Personal Service Shops	1 for each employee	1 for each 300 sq. ft. of gross floor area
Trade Schools, Business or Private	1 for each employee	1 for each 500 fixed seats or 1 for each 100 sq. ft. of floor area used for assembly and not containing fixed seats, whichever is greater
<u>Repair Services</u>		
		1 for each 300 sq. ft. of gross floor area
<u>Research Services</u>		
	1 for each 2 employees	1 for each 500 sq. ft. of gross floor area, if greater than 1 for each 2 employees
<u>Retail Sales</u>		
	1 for each employee	1 for each 300 sq. ft. of gross floor area
<u>Scrap Operations</u>		
	1 for each employee and 1 for each company vehicle	1 for each 1,000 sq. ft. of gross use area for the first 10,000 sq. ft. and 1 for each 3,000 sq. ft. of gross exterior area thereafter
<u>Shopping Centers</u>		
Neighborhood		5.5 spaces per 1,000 sq. ft. of gross leasable area
Community		
Regional		seats
<u>Spectator Sports and Entertainment</u>		
	1 for each 2 employees	1 for each 3 fixed seats and 1 for each 21 sq. ft. of seating area not containing fixed seats
<u>Transient Habitation</u>		
Hotels	1 for each employee	1 for each 2 guest rooms
Motels	1 for the manager and 1 for each employee	1 for each guest room
<u>Wholesaling, Storage and Distribution</u>		
	1 for each employee and 1 for each vehicle used in connection with the use	1 for each 800 sq. ft. of gross floor area

Table of Off-Street Parking Requirements (Continued)

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

B. Aisle Dimensions

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



Angle (a)	Space Width (b)	Space to Curb (c)	Aisle ¹ (d)	Tier ² Width (e)
0°-45°	9'-0"	19'-0"	16'-0"	64'-0"
	10'-0"	20'-0"	14'-0"	54'-0"
46°-60°	9'-0"	20'-0"	18'-0"	58'-0"
	10'-0"	20'-8"	16'-0"	57'-4"
61°-90°	9'-0"	18'-0"	24'-0"	64'-0"
	10'-0"	18'-0"	22'-0"	58'-0"

1. Aisle widths for 45° and 60° spaces are one way only.
2. Tier means two rows of parking spaces plus an aisle. Tier width may not add up to aisle width plus two times the space to curb distance in the chart above because additional tier width may be required for safety precautions.

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

C. Parking Area Access

1. Driveways serving residential uses shall have a minimum width of not less than nine (9) feet when serving four (4) or less dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu of thereof, two (2) separate driveways not less than nine (9) feet in width and unobstructed to a height of eight (8) feet.
2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.
3. Parking areas for two (2) or more vehicles are to be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots are to be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.
4. Access driveways to parking areas containing four (4) or more spaces are to be located and designed as follows:
 - a. Parking area entrance and exit driveways are to be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
 - b. Entrance and exit driveways crossing the street property line of a single site are to be limited to two (2) along the frontage of any single street. The centerline of driveways on the same property are to be separated by a minimum of thirty (30) feet.

3. Churches with a capacity of 100 or more;
4. Restaurants with a capacity of 50 or more customers;
5. Public transportation terminals;
6. Places of public assembly;
7. Public buildings; and
8. Offices larger than 5,000 feet.

SECTION 68.006 - PARKING LOT CONSTRUCTION

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

- A. Surfacing - All parking areas are to be surfaced with an asphalt, concrete, chip seal, or crushed rock gravel surface. Where concrete or asphalt are required, brick or other masonry paving units may be substituted including vertically-oriented concrete block.
- B. Lining and Marking - Parking spaces in paved parking areas are to be marked with paint striping, a minimum of two (2) inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.
- C. Wheel Stops - Wheel stops or continuous concrete or asphalt curbing are required in all parking lots to define the perimeter of the parking area and to protect landscaping from vehicle encroachment. Wheel stops are to be constructed as follows:
 1. Wheel stops are to be constructed of durable material not less than six (6) inches in height. Wheel stops are to be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.
 2. Wheel stops or other vehicle barriers less than two (2) feet in height are to be located no closer than three (3) feet to any property line.
- D. Vertical Clearance - Covered parking spaces are to have a vertical clearance of at least seven feet six inches (7'6") above the parking lot surface for all uses except residential.
- E. Slope - The finished grade of a parking lot is not to exceed five percent (5%) slope.

G. Screening

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

ARTICLE 69 - FIRE SAFETY

SECTION 69.001 - PURPOSE

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

SECTION 69.002 - APPLICATION

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

SECTION 69.003 - NOTICE

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

SECTION 69.004 - REVIEW AND APPROVAL

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

SECTION 69.005 - ACCESS IN FIRE HAZARD AREAS

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

SECTION 69.006 - FIRE PROTECTION, POLICE PROTECTION AND SCHOOLS

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

CHAPTER 7
PUBLIC WORKS DEPARTMENT
SITE DESIGN AND DEVELOPMENT STANDARDS
ARTICLE 70 - BASIC PROVISIONS

SECTION 70.001 - PURPOSE

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

SECTION 70.002 - APPLICATION

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

SECTION 70.003 - DISTINCTION BETWEEN URBAN AND RURAL AREAS

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

SECTION 70.004 - IMPROVEMENT PROCEDURES

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

- A. Work shall not be commenced until the plans and specifications have been reviewed for adequacy and approved by the County Engineer and appropriate State agencies. To the extent necessary for evaluation of the partition or subdivision proposal, the plans and specifications shall be required before approval of the final map or plat;
- B. Work shall not be commenced until the County Engineer has been notified; and
- C. Required improvements shall be constructed in accordance with specifications as set forth by the County Engineer and inspected for conformance. The county may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest. Any similar changes initiated by the developer must be reviewed with and approved by the County Engineer.

SECTION 70.005 - STANDARDS PROVIDED

This chapter provides standards for the following:

- A. Vehicular Access and Circulation
- B. Curbs, Gutters and Sidewalks
- C. Street Names, Numbers and Signs
- D. Site Drainage and Grading
- E. Water Service
- F. Sewer Service
- G. Utilities
- H. Solid Waste

ARTICLE 71 - VEHICULAR ACCESS AND CIRCULATION

SECTION 71.001 - PURPOSE

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

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

- A. County Engineer Approval - Access to property fronting upon a county or public road shall be subject to the approval of the County Engineer.
- B. Vehicular Access - Vehicular access shall be provided to all lots from a dedicated street. Developments fronting on an arterial may be required to provide a frontage or service road.
- C. State Highway Division Approval - Access to property fronting upon a state highway shall be subject to the approval of the State Highway Division.

SECTION 71.003 - CIRCULATION PLAN

- A. A future circulation plan shall be filed in conjunction with applications for all major partitions and for all subdivisions. The plan shall show the internal circulation pattern of the development and its relationship to the surrounding circulation system, including internal circulation of adjacent existing and future development.
- B. The Land Partition Review Board and the Planning Commission shall have the authority to adopt Circulation Plans, which accompany applications for land divisions.
- C. The circulation plan shall be submitted in a graphic format which conforms as to size, quality of drawing material, and graphic standards with that of either the tentative plan or preliminary plat which it accompanies.

SECTION 71.004 - FILING OF CIRCULATION PLAN

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

SECTION 71.005 - REVISION OF FUTURE CIRCULATION PLAN

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

SECTION 71.006 - GENERAL ROADWAY DESIGN CRITERIA AND STANDARDS

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

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

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

- A. Freeways - In accordance with the standards and specifications of the State Division of Highways;
- B. Major Highways - A right-of-way width of one hundred (100) feet with improvements in accordance with the standards and specifications of this Code;
- C. Arterials - A right-of-way width of eighty (80) feet with improvements in accordance with the standards and specifications of this Code;
- D. Collector Street - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;
- E. Local Streets - A right-of-way width of sixty (60) feet with improvements in accordance with the standards of this Code;
- F. Cul-de-sac Streets - A right-of-way width of not less than sixty (60) feet with improvements in accordance with the standards of this Code; and
- G. Alleys - A right-of-way width of not less than twenty (20) feet with improvements in accordance with standards and specifications of this Code.
- H. When necessary for street construction on a side hill situation, the right-of-way needs shall be expanded as necessary.

SECTION 71.008 - INTERSECTION VISIBILITY - CORNER CUTBACK AREAS

- A. The corner cutback area is a reserved open space to ensure adequate and safe visibility for vehicular and pedestrian traffic at all intersections of streets and alleys. The corner cutback area for corner lots or parcels at street intersections shall have a minimum of 25-foot legs along each street, and for alley-street or driveway-street intersections, the corner cutback area shall have legs of a minimum of 10 feet along both alley or driveway and street. Vision clearance shall not be required at a height of ten feet or more above the curb level or ten feet six inches above the shoulder of a street that does not have a curb, or below two feet and six inches of height above a street curb or shoulder. This section shall not be construed as waiving or altering any yard requirements that may be required by any other provision of this Code.
- B. Within the corner cutback area, the following provisions apply:
1. No buildings or structures including solid fencing and landscaping that would constitute a visual obstruction shall be permitted.
- C. Where other provisions in this Code permit buildings or structures, contrary to the size and type permitted by Subsection B above, the provisions of Subsection B shall prevail.

SECTION 71.009 - ROADWAY IMPROVEMENTS IN URBAN AREAS

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

- A. Development within an Urban Growth Boundary consisting of lots containing 20,000 square feet or less shall be improved with curbs, gutters, sidewalks, and paved roadways a minimum width of thirty-six (36) feet.
- B. Development within an Urban Growth Boundary consisting of lots containing a minimum of 20,001 square feet and not more than 43,599 square feet shall be improved with curbs, gutters and paved roadways a minimum width of thirty-six (36) feet.
- C. Development within an Urban Growth Boundary consisting of lots containing 43,599 square feet or more shall be improved with paved roadways a minimum width of twenty-four (24) feet with four (4) foot wide gravel shoulders on each side of the pavement and shall include adequate drainage facilities as required by the County Engineer.

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

SECTION 71.010 - ROADWAY IMPROVEMENTS IN RURAL AREAS

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

- A. Development in a rural area consisting of lots containing 5.00 acres or less shall be improved with graveled roadways a minimum width of thirty-two (32) feet and shall include adequate drainage facilities as required by the County Engineer.
- B. Development in the rural area consisting of lots containing more than 5.00 acres shall have roadways of not less than thirty-two (32) feet in width with a traveled way of twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders.
- C. All rights-of-way shall be cleared between the catch points of the cuts or fills of the approved road cross sections. In densely wooded areas the entire right-of-way shall be cleared of all flammable brush, dead limbs, logs and stumps outside the slope limits to the full width of the right-of-way.

SECTION 71.011 - ROADWAY ALIGNMENT

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

SECTION 71.012 - ROADWAY INTERSECTION ANGLES

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

SECTION 71.013 - ROADWAY GRADES AND CURVES

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

SECTION 71.014 - CUL-DE-SACS

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

SECTION 71.015 - EXISTING STREETS

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

SECTION 71.016 - RESERVE STRIPS

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

- A. Prevent access to the street on the side where additional width is required to meet the minimum right-of-way standards;
- B. Prevent access to abutting property at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
- C. Prevent the uncontrolled development of land.

SECTION 71.017 - FUTURE EXTENSIONS OF STREETS

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

SECTION 71.018 - HALF STREETS

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

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

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

SECTION 71.020 - MARGINAL ACCESS STREETS

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

SECTION 71.021 - ALLEYS

Alleys may be provided in commercial and industrial zones.

SECTION 71.022 - BLOCKS

- A. General - The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of topographic conditions.
- B. Sizes - In urban subdivisions, blocks shall not exceed one thousand two hundred sixty (1,260) feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is two thousand six hundred forty (2,640) feet. In rural subdivisions, blocks shall not exceed two thousand six hundred forty (2,640) feet in length or as required by this Code.

SECTION 71.023 - DRIVEWAY OR ACCESS PERMITS

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

SECTION 71.024 - UTILITIES IN STREETS RIGHTS-OF-WAY

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

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

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

ARTICLE 71A - CURBS, GUTTERS, AND SIDEWALKS

SECTION 71.001A - PEDESTRIAN WAYS

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

SECTION 71.002A - CURBS, GUTTERS, AND SIDEWALKS

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

SECTION 71.003A - REQUIREMENTS FOR URBAN AREAS

- A. Development within the urban area shall be improved with curbs, gutters and sidewalks in accordance with this Code.
- B. Sidewalks not less than five (5) feet in width shall be constructed in all dedicated pedestrian ways, and along streets where determined necessary for pedestrian safety.

SECTION 71.004A - DESIGN AND CONSTRUCTION STANDARDS

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

5. Existing and proposed drainage channels including drainage swales, ditches and berms.
 6. Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains, and drop inlets.
 7. Estimates of existing and increased runoff resulting from the proposed improvements.
- B. Engineered Drainage and Grading Plan Content - Engineered drainage and grading plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required by Subsection A of this Section.

SECTION 72.004 - DRAINAGE AND GRADING PLAN REVIEW AND APPROVAL

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

SECTION 72.005 - INSPECTION AND COMPLETION

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

SECTION 72.006 - DRAINAGE SYSTEM STANDARDS

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

ARTICLE 73 - URBAN AREA SERVICE STANDARDS

SECTION 73.001 - WATER SERVICE

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

SECTION 73.002 - SEWER SERVICE

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

SECTION 73.003 - OTHER REQUIRED SERVICES

- A. Drainage - Development shall meet the drainage and grading plan requirements of Article 72 and the curb and gutter requirements of Article 71A.
- B. Fire Protection - Development shall be included within a fire protection district with responsibility for structural fire.
- C. Road Standards - Development shall comply with the road standards of Article 71.
- D. Electrical Service - Development shall include provisions for electrical service by the public utility serving the area.

SECTION 73.004 - SERVICE WITHIN WATER OR SEWER DISTRICT

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

ARTICLE 74 - RURAL AREA SERVICE STANDARDS

SECTION 74.001 - WATER SERVICE

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

SECTION 74.002 - SEWER SERVICE

Subdivision in rural areas may use central sanitary sewer systems or on site septic systems as provided for under the following stipulations:

- A. A certification by a 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 that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;
- B. A bond, contract or other assurance by the subdivider to the city or county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the city or county considers necessary; or
- C. In lieu of paragraphs A and B of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Klamath County Department of Health Services or Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed by the subdivider and endorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385.

SECTION 74.003 - OTHER REQUIRED SERVICES

- A. Drainage - Development shall meet the drainage and grading requirements of Article 72.
- B. Fire Protection - Development shall comply with the fire protection requirements of Article 69. Subdivisions shall be located within a fire protection district prior to final plat approval.
- C. Road Standards - Development shall comply with the road standards of Article 71.
- D. Electrical Service - Subdivisions shall include provisions for electrical service by the public utility serving the area.

SECTION 74.004 - SERVICE WITHIN WATER OR SEWER DISTRICT

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

ARTICLE 75 - UTILITIES

SECTION 75.001 - UTILITIES IN URBAN AREAS

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

SECTION 75.002 - UTILITIES IN RURAL AREAS

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

SECTION 75.003 - UTILITY EASEMENTS

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

ARTICLE 76 - SOLID WASTE

SECTION 76.001 - SOLID WASTE COLLECTION AND DISPOSAL

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

SECTION 76.002 - COLLECTION AREA STANDARDS

- A. Location of Collection Facilities - The solid waste collection area is to be located within one hundred (100) feet of the dwellings or buildings served, but is not to be located in any front yard setback.
- B. Enclosure Required - Solid waste collection areas which utilize dumpsters or other containers with a total capacity greater than two (2) thirty-three (33) gallon containers are to be screened from the view of public streets and adjoining properties by a solid fence or wall as high as the collection container, but not less than three (3) feet nor more than six (6) feet in height.
- C. Enclosure Construction Standards
 1. The floor or bottom surface of a solid waste collection area is to be of concrete or other impervious material.
 2. The collection area is to have unobstructed vertical clearance for a minimum height of twenty-five (25) feet.

CHAPTER 8
SPECIAL USE STANDARDS
ARTICLE 80 - BASIC PROVISIONS

SECTION 80.001 - PURPOSE

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

SECTION 80.002 - APPLICATION

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

SECTION 80.003 - STANDARDS PROVIDED

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

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

ARTICLE 81 - MINERAL AND AGGREGATE EXTRACTION STANDARDS

SECTION 81.001 - GENERAL STANDARDS

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

- A. The land will be used as a site for mineral or aggregate extraction on a temporary basis until the resource is depleted; and
- B. Mineral or aggregate extraction operations and reclamation shall be conducted in accordance with all applicable provisions of State Law.

SECTION 81.002 - PROCEDURE

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

SECTION 81.003 - REVIEW CRITERIA

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

- A. That the site will be operated in accordance with applicable state and/or federal statutes.
- B. That the proposed access can accommodate the increased volume of traffic to be generated.
- C. That the proposed access can safely handle the type of increased traffic flow which will accompany the development without significantly endangering the public health, safety, or welfare.
- D. That an adequate water supply is available to the site. (For dust control, required landscaping, reclamation, etc).
- E. That blasting which may be necessary will not damage existing structures or facilities.

SECTION 81.004 - CONDITIONS

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

- A. An increase or decrease of required setbacks.
- B. Limiting the manner in which the use is conducted:

1. Restraints to minimize noise, vibration and blasting, air pollution, glare, odor, dust, etc.
 2. Limitations on lighting (i.e., location, intensity, possible shielding).
 3. Other restrictions deemed necessary by findings of fact.
- C. Visual screening emphasizing the use of native plants, berms or fences.
 - D. Access roads treated to reduce dust.
 - E. Additional access roads which circumvent residential areas.
 - F. Off-site stockpiling or processing.
 - G. Air, water or reclamation standards exceeding those required by state or federal law if justified by findings of fact.
 - H. Limiting the height, size, or location of buildings or structures.
 - I. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

SECTION 81.005 - SIGNIFICANT POTENTIAL MINERAL OR AGGREGATE SITES

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

ARTICLE 82 - DENSITY TRANSFER

SECTION 82.001 - GENERAL STANDARDS

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

SECTION 82.002 - DESIGN STANDARDS

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

- A. Lot Area - The lot area shall be no less than 1 acre in size.
- B. Density - The number of residential units or lots may not exceed that permitted by the basic zone.
- C. All proposed land divisions are subject to either the land partition or subdivision review procedure.

SECTION 82.003 - REVIEW CRITERIA

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

- A. If subject property is in an agriculture zone, the criteria in Sections 51.017, Subsections D and E shall be satisfied.
- B. If subject property has an overlying development constraint, the review criteria of each applicable constraint shall be satisfied, i.e., Flood Hazard, Airport Hazard.

SECTION 82.004 - REVIEW PROCEDURE

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

ARTICLE 83 - SIGNIFICANT RESOURCE AREA

SECTION 83.001 - GENERAL PROVISIONS

The Significant Resource Overlay shall be applied to those areas designated on the official Klamath County Planning Department "Significant Goal 5 Resources" map.

SECTION 83.002 - PURPOSE

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

SECTION 83.003 - APPLICATION

The provisions of this Article shall apply to the following:

1. Proposed land use changes which fall within an identified "Significant Resource Area."
2. Permitted uses in the underlying zone identified as conflicting uses in Section 83.007 of this Article.
3. Conditional uses in the underlying zone identified as conflicting uses in Section 83.007 of this Article.

SECTION 83.004 - REVIEW PROCEDURE/CRITERIA

A. "Protect the Resource Decision (3A)"

1. When a "3A" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant in coordination with the responsible agency must:
 - a. Identify the type and extent of resources involved;
 - b. Determine the exact location of the resource; and
 - c. In coordination with the responsible agency (as noted in Section 83.008 - Agency/Resource List), develop a management plan which protects the resource.
2. If the responsible agency and applicant cannot agree on an acceptable management plan which protects the resource, the land use request shall be denied.
3. If, in the opinion of the agency having statutory responsibility or an agency listed on the Agency/Resource List (Section 83.008), the resource is not on the applicant's property, or that the development proposal will not impact the resource, the standards in this Article shall not apply.

B. "Allow Conflicting Uses Decision (3B)"

1. When a "3B" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant and request shall not be subject to the standards of this Article.

C. "Limit Conflicting Uses Decision (3C)"

1. When a "3C" decision has been made for a particular resource (as indicated on the adopted Goal 5 inventory sheets), the applicant shall, prior to review by the appropriate reviewing body, be encouraged to meet with the agency having responsibility for the resource in order to:
 - a. Identify the type and extent of resources involved;
 - b. Determine the exact location of the resource; and
 - c. Discuss possible development and management plans that would allow for both resource preservation and development to occur.
2. If the responsible agency and the applicant cannot agree on a management plan which would allow for both resource preservation and development, the following findings of fact, if applicable to the disagreement must be made:
 - a. The resource or site must be disturbed to provide for reasonable use of the site, and if not disturbed, the applicant would be substantially damaged.
 - b. The use proposed will directly benefit the community and satisfies a substantial public need or provides for a public good which clearly outweighs retention of the resource.
 - c. The proposed development would not result in the loss of a rare, irretrievable, or irreplaceable natural feature or scientific opportunity, or the disturbance of a substantially unaltered natural feature or area in or adjacent to the proposed site, unless the benefit to the public from the proposed use clearly outweighs the public good from retaining the feature or area.
 - d. The public benefit due to the development of the particular site would be maximized when compared to development of similar properties in the area not possessing a unique site or resource.
 - e. The identified site or resource cannot be physically developed for an energy source or has a low potential for an energy development based upon an evaluation of environmental, social, and economic factors.

- f. The proposed development will disturb or destroy only an area or areas of low preservation value, and will not significantly alter or disturb other portions of the resource area on or adjacent to the site.
 - g. In big game winter ranges, the cumulative effect of the proposed land use change and other development in the area must be consistent with the maintenance of long term big game habitat values.
3. If, in the opinion of the agency having statutory responsibility or an agency listed on the Agency/Resource List (Section 83.008), the resource is not on the applicant's property, or that the development proposal will not impact the resource, the standards in this Section shall not apply.

D. "Permitted Uses Identified as Conflicting Uses"

1. If a permitted use in the underlying zone is listed as a conflicting use in Section 83.007, the applicant shall comply with the review procedure and criteria outlined in Section 83.004(C).

E. "Conditional Uses Identified as Conflicting Uses"

1. If a conditionally permitted use in the underlying zone is listed as a conflicting use in Section 83.007, it shall be subject to the following:
 - a. Article 44 - Conditional Use Permit; and
 - b. Procedure and Review Criteria contained in Section 83.004(C).
2. The reviewing body may limit changes in the natural grade of land, or the alteration, removal, or destruction of natural vegetation in order to prevent or minimize erosion, pollution, or degradation of the significant natural resource.
3. An application for a conditional use shall be denied if, in the opinion of the reviewing body, the proposed use would be detrimental to the natural feature or resources of the area.
 - a. The proposed use must pose a permanent and irreversible detriment to the resource in question.
 - b. Based on the best information available, the proposed use would be detrimental to the natural feature or resources of the area.
4. If the Planning Director finds, after consultation with the appropriate agency, that the proposed use will have no substantial negative impact on the resource due to the acceptable management plan or to the nature of the proposed use,

the request for a conditional use permit shall be subject only to Article 44 - Conditional Use Permit.

SECTION 83.005 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - Minimum lot size shall be as established in the underlying zone with which the Significant Resource Overlay is combined, with the following exceptions:
1. Minimum parcel size and density in low and medium deer winter ranges shall not exceed one unit per 80 acres or one unit per 40 acres if development is clustered.
 2. Minimum parcel size and density in high density deer winter ranges, and in the antelope range north of Bly shall not exceed one unit per 160 acres or one unit per 80 acres if development is clustered.
 3. If, in the opinion of the Oregon Department of Fish and Wildlife, development at a higher density would not adversely affect the resource, the minimum lot size may be reduced. A site plan addressing structure, density, and seasonal use shall be required.
 4. When residential uses in conjunction with resource uses are proposed which would exceed densities allowed in big game winter ranges or would differ from other standards of this Section, development may be allowed if the site plan is approved by the Oregon Department of Fish and Wildlife, or if those findings required by Section 83.003(D) can be made.
 5. In no case shall these exceptions allow a smaller lot size than allowed by the underlying zone.
- B. Lot Size and Shape - Standards contained in Chapter 6, Article 61 shall apply, with the following exception:
1. Residential development (i.e., subdivisions) on lots in medium and high density deer winter ranges shall be a cluster or planned development and shall comply with standards and requirements contained in Article 52, Sections 52.001(F) and (H), Concept and Development Plan Standards.
- C. Building Setbacks and Yards - Standards contained in Chapter 6, Article 62 shall apply, with the following exceptions:
1. Riparian setbacks as indicated in Section 62.007 - Riparian Setback Standards; and
 2. Lots or parcels which abut a significant mineral resource site (active or potential) may be required to establish setbacks in excess of those required in the zone in which the lot or parcel is located. The required setback shall

be determined by the Planning Director after meeting with the applicant and the owner of the mineral resource land to ensure site and sound screening between present and future uses on the properties.

- D. Building Heights - See Chapter 6, Article 63.
- E. Distance Between Buildings - Standards as provided by the Uniform Building Code shall apply with the following exception:
 - 1. In general, new structures located within an identified big game winter range area shall be located as close as possible to adjacent compatible structures (a compatible structure shall be any structure which does not adversely affect the intended use of another structure).
- F. Fences, Hedges and Walls - See Chapter 6, Article 64.
- G. Signs - See Chapter 6, Article 66.
- H. Access - Standards contained in Chapter 7, Article 71 shall apply, with the following exceptions:
 - 1. If located within an identified big game winter range area, structures shall share a common access road wherever possible. Where it is impractical to share a common access road, the dwelling should be located as closely as possible to the nearest existing public road in order to minimize the length of access from the nearest existing public road.
- I. Parking - See Chapter 6, Article 68.
- J. Landscaping - See Chapter 6, Article 65.
- K. Fire Safety - See Chapter 6, Article 69.
- L. Additional Property Development Standards:
 - 1. In addition to the standards and conditions set forth in this Section, the reviewing body may impose the following conditions upon a finding of fact that warrants such additional restrictions:
 - a. Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, or odor.
 - b. Establishing a special yard, other open space or lot area or dimension.
 - c. Limiting the height, size, or location of a building or other structure.
 - d. Designating the size, number, location and nature of vehicle access points.

- e. Increasing the required street dedication, roadway width, or improvements within the street right-of-way.
- f. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.
- g. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
- h. Limiting the location and intensity of outdoor lighting and requiring its shielding.
- i. Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance.
- j. Designating the size, height, location, and materials for a fence.
- k. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

SECTION 83.006 - STATE OR FEDERAL THREATENED AND ENDANGERED SPECIES

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

The review procedure and criteria as outlined in Section 83.004 shall be followed when dealing with threatened or endangered species:

SECTION 83.007 - LIST OF CONFLICTING USES

A. MINERAL AND AGGREGATE RESOURCES

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

B. FISH AND WILDLIFE

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

C. BIG GAME RANGES

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

D. BEAR VALLEY EAGLE REFUGE

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

- *1. Logging activities other than those identified in the Bald Eagle Management Guidelines
2. Residential development
3. Permanent structures
4. Road construction
5. Human activity during the roost period (Nov.-March)
6. Mining
7. Use of chemicals adversely affecting eagles

Within the secondary buffer area:

1. Residential density greater than 1 unit per 20 acres
2. Commercial or industrial sites
3. Powerlines
4. Building roads and trails which facilitate access to the roost
5. Use of chemicals adversely affecting eagles
- *6. Timber harvest not designed to maintain suitable perch trees, favorable microclimatic conditions in the core area and usual buffers between the core area and outside disturbances.
7. These activities during the period of eagle use, November to May:
 - *a. timber cutting
 - b. clearing
 - c. mining
 - d. low level aircraft operations
 - e. use of firearms
 - f. camping and picnicking

Within the flyway:

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

E. NATURAL AREAS

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

F. WETLANDS AND SURFACE WATER

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

G. HISTORICAL AND ARCHAEOLOGICAL SITES

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

H. GROUNDWATER RESOURCES

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

I. ENERGY SOURCES

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

J. UPLAND GAMEBIRDS

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

K. NEST SITES

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

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

1. Commercial, residential, or industrial development
2. Permanent structures
3. Use of chemicals which negatively impact eagles or their habitat
- *4. Logging activities other than those identified in the Bald Eagle Management Guidelines
5. Mining and road construction
6. Human impact during the critical period

M. SHIPSEY/THOMAS PROPERTY

(Township 40, Range 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18 and W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17)

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

N. GEOTHERMAL RESOURCES

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

*NOTE: Although these activities conflict with Goal 5 resource sites and forest lands, they will not be subject to conditional use review under this Ordinance.

Instead, the Oregon Forest Practices Act, Rules, and supplemental agreements between the State Board of Forestry and Oregon Fish and Wildlife Commission shall be administered in order to implement 3A (protect the resource) and 3C (limit conflicting uses) decisions made by Klamath County in its adopted Plan and consistent with that Plan and the criteria in Article 83 of this Ordinance.

SECTION 83.008 - AGENCY/RESOURCE LIST

<u>Resource</u>	<u>Agency</u>
1. Fish and Wildlife Habitat Areas (ie: surface water and wetland areas, riparian areas, big game winter ranges, nest sites, etc.)	-Oregon Department of Fish and Wildlife and -U. S. Department of Fish and Wildlife when they have jurisdiction.
2. Water Resources	-Division of State Lands -Department of Transportation -County Watermaster -County Health Department -D.E.Q.
3. Energy Resources	-State Department of Energy

4. Mineral and Aggregate Resources
 - County Public Works
 - State Highway Department
 - Department of Transportation
 - Department of Geology and Mineral Industries

5. Archaeological Resources
 - Klamath Tribe
 - Historic Landmark Commission

6. Historic Buildings and Sites
 - Historic Landmark Commission

7. Parks and Recreation Scenic Waterways
 - State Parks and Recreation
 - State Department of Transportation

8. Geothermal Resources
 - Department of Geology and Mineral Industries

ARTICLE 84 - MOBILE HOMES

SECTION 84.001 - STANDARDS FOR MOBILE HOMES ON INDIVIDUAL LOTS

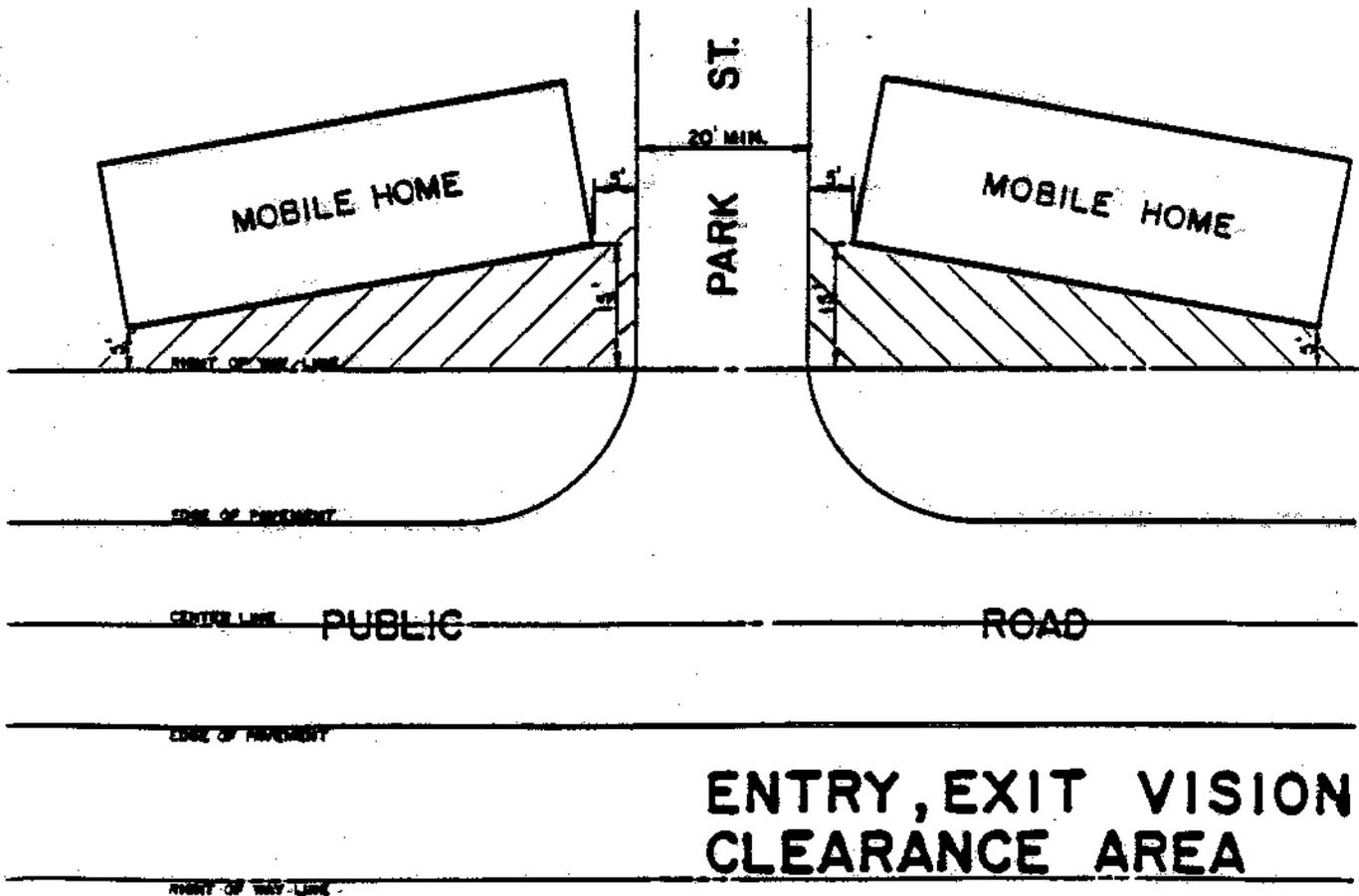
Mobile homes shall be permitted in the zones identified in Chapter 5, provided they are constructed in accordance with the State Mobile Home Standards, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement, and in accordance with the standards of this Code.

- A. Lot Size - Mobile homes on individual lots shall satisfy the minimum lot size requirements established by the zone in which they are to be located in accordance with Chapter 5 of this Code.
- B. Mobile Home Size and Facilities - Mobile homes shall meet the construction standards that are established by the State of Oregon, Department of Commerce, in accordance with Oregon Revised Statutes 446, and in accordance with Klamath County Ordinance Number 27, Mobile Home Placement.
- C. Residential Density - A maximum of one (1) mobile home shall be permitted on each lot. Mobile homes shall be placed on lots or parcels in accordance with the density requirements of the zone in which they are located, in accordance with Chapter 5 of this Code.
- E. Mobile Home Standards Within the Klamath Falls Urban Growth Boundary - Mobile homes that are placed on individual lots or parcels within the Klamath Falls Urban Growth Boundary shall meet the following requirements:
 1. Dwelling Units Permitted - Only those mobile homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance."
 2. All such mobile homes shall be at least twenty (20) feet in width (which may include a tip-out) with exterior dimensions enclosing a space of not less than 800 square feet.
 3. A mobile home of less than 800 square feet, but more than 500 square feet may be permitted subject to an administrative Variance and findings that the proposed siting will be compatible with the surrounding neighborhood.

SECTION 84.002 - STANDARDS FOR MOBILE HOME PARKS

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

- A. Lot Size - Mobile home parks shall be no less than two (2) acres in size.
- B. Mobile Home Requirements - Each mobile home shall contain not less than three hundred fifty (350) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device. The mobile home shall meet the State Standards for mobile home construction and display the State of Oregon Department of Commerce insigne. The mobile home shall also be provided with a continuous skirting as required by Klamath County Ordinance Number 27, Mobile Home Placement.
- C. Residential Density - No more than ten (10) mobile homes per acre shall be permitted in a mobile home park.
- D. Yards - Mobile homes are to be setback from the property lines of the park as follows:
 - 1. The first mobile home at an intersection of a mobile home park street must be set back 15 feet from any public street right-of-way, and a minimum of 5 feet from an entrance street, and a minimum of 5 feet from a property line. See diagram below:



2. Mobile homes shall be located so that the spacing between other mobile homes and buildings shall be in accordance with the State of Oregon Department of Commerce Rules, in accordance with Oregon Revised Statutes Chapter 446.
- E. Coverage - In accordance with State Administrative Rules for mobile home park standards.
 - F. Height - No building or structure shall exceed thirty-five (35) feet in height.
 - G. Fences, Hedges and Walls - The land which is used for a mobile home park shall be surrounded by a sight-obscuring fence or hedge, except at entry exit vision clearance areas. The fence or hedge shall be maintained in neat appearance. Entrance and exit vision clearance areas are shown in the diagram of Subsection "D" Yards. No fences in these areas shall be constructed higher than three (3) feet.
 - H. Landscaping - Mobile home parks shall be landscaped as required in Article 65 of this Code.
 - I. Recreation Areas - In accordance with State Administrative Rules for mobile home park standards.
 - J. Access -
 1. Primary vehicular access shall be provided from a dedicated street. Vehicular access to lots fronting on state highways or county or public roads shall be subject to the approval of the County Engineer or State Highway Division.
 - K. Storage - There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants or management of the park.
 - L. Signs - See Article 66 - Signs.
 - M. Facilities - In accordance with State Administrative Rules for mobile home park standards.

SECTION 84.003 - STANDARDS FOR MOBILE HOME SUBDIVISIONS

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

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

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

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

1. **Dwelling Units Permitted** - Only those mobile homes and modular homes used as permanent residences which meet the H.U.D. Federal Mobile Home Safety Standards dated June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance."
 2. All such mobile and modular homes shall have exterior dimensions enclosing a space of not less than 500 square feet.
 3. The mobile and modular homes shall have siding materials similar to that presently used on houses constructed under the Uniform Building Code (UBC).
- C. **Residential Density** - The lots provided in a mobile and modular home subdivision shall meet the density requirements of the zone in which the mobile home subdivision is in accordance with Chapter 5 of this Code.
- D. **Yards and Building Setbacks** - The yards and building setbacks of mobile and modular homes and buildings within a mobile home subdivision shall comply with the requirements of Article 62 of this Code.
- E. **Height** - No building or structure in a mobile home subdivision shall exceed thirty-five (35) feet in height.
- F. **Fences, Hedges and Walls** - The mobile and modular homes on lots within a mobile and modular home subdivision shall comply with the requirements of Article 64 of this Code.
- G. **Public Works Department Site Development Standards** - Mobile home subdivisions access and vehicular circulation facilities shall be developed in accordance with Chapter 7, Public Works Department Site Development Standards, of this Code. Mobile home subdivisions shall be developed to comply with the standards for: Curbs, Gutters and Sidewalks (Article 71A); Street Names, Numbers and Signs (Article 71B); Site Drainage and Grading (Article 72); Water Service (Article 73); Sewer Service (Article 73A); Utilities (Article 74); and Solid Waste (Article 75) of this Code.

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

SECTION 84.004 - MOBILE HOME SUBDIVISION/PLANNED UNIT DEVELOPMENT

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

SECTION 84.005 - MOBILE HOME STORAGE

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

- A. The mobile home shall be subject to site plan review.
- B. The mobile home shall not be stored for longer than three (3) months.
- C. The mobile home shall meet the setbacks required by this Code.
- D. The mobile home shall not be inhabited or connected to any utility service.

ARTICLE 85 - HOME OCCUPATIONS

SECTION 85.001 - PURPOSE

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

SECTION 85.002 - WHERE PERMITTED

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

SECTION 85.003 - REVIEW AND PERMIT REQUIREMENTS

- A. Site Plan Review - All proposals for home occupations shall be subject to site plan review, as described in Article 41.
- B. Conditions for Home Occupations - Approval of home occupations shall be subject to the following findings:
 1. That the occupation is conducted entirely within a dwelling or a permitted accessory building.
 2. That the occupation is not the primary use and is operated by a resident of the property.
 3. That the business will not employ more than five full or part-time persons.
 4. That no equipment is used except such as may be used for purely domestic or household purposes.
 5. That no more than twenty-five percent (25%) of the floor area of one story of the dwelling is devoted to such home occupation.
 6. That the area of an accessory building used for a home occupation may not exceed fifty percent (50%) of the floor area of the residence.
 7. That such occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.
 8. That only one (1) sign shall be permitted on the property, that said sign shall not exceed six (6) square feet in the area, and shall not be lighted at night.

9. That adequate off-street parking shall be maintained; and
10. That any outdoor storage of materials be screened from view of the street by a sight-obscuring fence or hedge.

SECTION 85.004 - ANNUAL REVIEW

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

SECTION 85.005 - LIMITED HOME OCCUPATIONS

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

- A. All aspects of the limited home occupation shall be conducted within the dwelling.
- B. Only residents of the dwelling may be employed in the home occupation.
- C. There shall be no outdoor storage of materials.
- D. Not more than twenty-five percent (25%) of the floor area of one story of the dwelling may be used.
- E. No equipment is used except such as may be used for purely domestic or household purposes.
- F. The occupation shall not require internal or external alterations, or involve construction features that change the principal character or use of the dwelling involved.
- G. No sign shall be permitted other than a name plate not over three square feet in area.

ARTICLE 86 - ARCHAEOLOGICAL RESOURCES

SECTION 86.001 - ARCHAEOLOGICAL RESOURCES

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

- A. Notification shall be made to the Planning Department and construction shall be halted up to seven (7) calendar days after notification while a determination is made of the resources location, quantity, quality, and significance (under OAR 660-16-000 requirements). If no determination is made within seven (7) calendar days, the operator or contractor is encouraged to protect the site for study.
- B. If the resource is determined to be significant (1-C) construction shall be further halted until the extent and location of discovered materials may be recorded, and disposition of artifacts may be accomplished in accordance with State and Federal law. It is not the intent of the County to be more restrictive than applicable State or Federal statutes.
- C. In the event that archaeological resources are found to include human remains, or in any other case when any such remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department, so that proper disposition of the remains may be accomplished.
- D. In the event that archaeological resources are found within the former Klamath Reservation, the County Planning Department, Tribal Council, and the Historic Landmark Commission will be notified. If no response is received within seven (7) calendar days, it may be assumed the find is insignificant and progress may continue.
- E. In the event a significant archaeological site is discovered and further study is warranted, and in the event a controversy ensues between operator and Historic Landmark Commission, the Board of County Commissioners may intervene and establish a suitable evaluation time period.

The seven (7) calendar day work stoppage is meant to provide a balance for activities to be properly viewed for preliminary review and yet not unduly restrict the project operator.

ARTICLE 87 - HISTORIC BUILDINGS AND SITES

SECTION 87.001 - HISTORIC BUILDINGS AND SITES

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

- A. Exterior Remodeling or Alteration - The Building official shall submit to the Planning Director or his designee all building permit requests for exterior alteration to a historical building. The Planning Director shall, within five working days, and after consultation with appropriate agencies or experts, review the permit application for compliance with the requirements as set out in Section 83.011 B.
1. If the Planning Director finds the proposed alterations to be in compliance with Section B, he shall submit to the Building Department a "clearance for Permit" which will indicate that the requirements of this chapter have been satisfied by the request.
 2. If the Planning Director finds the proposed alterations to be in noncompliance with the requirements of Section B, the applicant must apply for a Conditional Use Permit as provided for under Article 44 of this Code. Notification shall include notification of the Historic Landmark Commission or any other person or agency considered an expert in the field. If the reviewing body finds the proposed alteration to be in noncompliance they must, (1) approve the application subject to compliance with conditions which will bring the application into conformance with Section B; (2) deny the application; and (3) provide the applicant with information concerning local, state, and federal preservation programs.
- B. Guidelines for the Exterior Alteration of a Historic Building - The Planning Director or Hearings Officer generally shall approve an application if the change of the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building and shall generally disapprove any application if found detrimental as unsightly, grotesque, or adversely affecting the architectural significance, the integrity or historical appearance, and the educational and historical value of the building. The following guidelines apply to exterior alterations to historical buildings:

1. Retention of original construction - So far as practicable, all original exterior materials and details shall be preserved.
2. Height - Additional stories may be added to historic buildings provided that:
 - a. The added height complies with requirements of the building and zoning codes.
 - b. The added height does not exceed that which was traditional for the style of the building.
 - c. The added height does not alter the traditional scale and proportions of the building style.
 - d. The added height is visually compatible with adjacent historic buildings.
3. Bulk - Horizontal additions may be added to historic buildings provided that:
 - a. The bulk of the addition does not exceed that which was traditional for the building style.
 - b. The addition maintains the traditional scale and proportion of the building style.
 - c. The addition is visually compatible with adjacent historic buildings.
4. Visual Integrity of Structure - The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
5. Scale and Proportion - The scale and proportion of altered or added building elements, the relationship of voids to solids (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
6. Materials, Color, and Texture - The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.
7. Signs, Lighting, and Other Appurtenances - Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.

C. Demolition or New Construction -

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

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

- a. The degree to which the building conforms to the Uniform Building Code or is structurally safe for proposed uses.
 - b. The cost of bringing a building to conform to the Uniform Building Code.
 - c. The cost to the applicant of restoration versus demolition.
 - d. The local, regional, and national significance of the building or site.
 - e. The uniqueness of the building or site.
 - f. That the building must be demolished or the site developed to provide for reasonable use of the property.
 - g. That development of a historical site will not detract from the historical value of the site.
 - h. That the proposed development is in character to a reasonable degree with the historical significance of the site.
2. If the Planning Director or his designee decides that he cannot make an objective ministerial decision, he may refer the application to the Hearings Officer for review of a Conditional Use Permit as provided by Article 44. The Hearings Officer must also address the criteria numbered 1-a through 1-h above and any other factors considered essential to a reasonable decision. The Historic Landmark Commission or other experts in the field shall be notified of the hearing. The reviewing body may approve, conditionally approve, or deny the application.
 3. Exception: If the structure for which the demolition permit request has been filed has been damaged in excess of 70 percent of its assessed value due to fire, flood, wind, or other act of God, a demolition permit may be approved by the Building Official without processing the request through the Historic Landmarks Committee.
 4. The powers herein granted shall in no case be exercised so as to impose upon any property owner any peculiar or undue hardship, nor shall such powers

