CHAPTER 50
LAND USE ZONES

ARTICLE 50
BASIC PROVISIONS

50.010 - PURPOSE

The purposes of this chapter are to establish land use zones required to implement the goals and policies of the Klamath County Comprehensive Plan, to define the purpose of each zone, and to specify the types of land uses appropriate for each zone. More specifically, the zones are formulated:

A. To permit orderly and beneficial development, while protecting the character of neighborhoods and communities, and the social and economic stability of the County;

B. To reconcile discordant land uses by identifying the relationship between compatible uses which minimize land use conflicts;

C. To support the protection and preservation of the agricultural and silvicultural industry and the natural resources essential to the conduct of those industries;

D. To support the protection and preservation of the County's open space and recreational resources while providing for appropriate development;

E. To provide areas where agricultural, residential, commercial and industrial uses may be developed in harmonious patterns and with all the necessities for satisfactory living and working environments; and

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

50.020- LIST OF BASIC ZONES

The following basic zones are established:

RCR	Rural Community Residential
R-10	Rural Residential
R-5	Rural Residential
R-2	Rural Residential
R-1	Rural Residential
RS	Suburban Residential
RL	Low Density Residential
RM	Medium Density Residential
RH	High Density Residential
CN	Neighborhood Commercial

CG	General Commercial
CR	Recreational Commercial
CT	Transportation Commercial
RUC-C	Rural Community Commercial
RSC-C	Rural Service Center Commercial
RCR-C	Rural Community Resort Commercial
IL	Light Industrial
IH	Heavy Industrial
ART	Air/Rail Transportation
RUC-I	Rural Community Industrial
RSC-I	Rural Service Center Industrial
EFU	Exclusive Farm Use
F	Forestry
FR	Forestry/Range
NR	Non-Resource
OS&C	Open Space and Conservation
TRP	Train Park

50.030 - LIST OF SPECIAL PURPOSE ZONES

The following special purpose zones are established:

SRO	Significant Resource Overlay
ASK	Airport Safety Overlay - Kingsley Field
ANK	Airport Noise Overlay - Kingsley Field
AS	Airport Safety Overlay - Beaver Marsh, Chiloquin, Crescent Lake & Malin
FHZ	Flood Hazard Overlay
GEO	Geothermal Overlay
LU	Limited Use Overlay
IAMP	OR 66 Green Springs Hwy Interchange Area Management Plan

50.040 – TRANSPORTATION-RELATED USES

A. The following transportation-related improvements and activities are considered "Essential Services" uses and are permitted outright in all County zones, unless otherwise specified in individual zones.

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of way.
3. Projects specifically identified in the Klamath Falls Urban Area Transportation System Plan and the County Wide Transportation System Plan.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Urban Area Transportation System Plan, except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved that is consistent with the applicable land division regulations.

B. The following transportation-related improvements and activities are considered "Extensive Impact Services and Utilities" uses and are permitted conditionally in all County zones, unless otherwise specified in individual zones.

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are:
    a. Not improvements designated in the Urban Area Transportation System Plan; or
    b. Not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review.
    c. An application for site plan review is subject to review under Article 41. In addition, the site plan permit shall comply with the Urban Area Transportation System Plan and applicable standards of this section, and shall address the criteria below. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
        1) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
        2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
        3) The project preserves or improves the safety and function of

the facility though access management, traffic calming, or other design features.

4) The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Code.

ARTICLE 51
RURAL COMMUNITY RESIDENTIAL (RCR)

51.010 - PURPOSE

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

51.020 - PERMITTED USES

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

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

51.030 - CONDITIONAL USES

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

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

51.040 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 5,000 square feet

B. Residential Density - 1 dwelling per lot or parcel

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.1
RURAL RESIDENTIAL (R-10)

51.110 - PURPOSE

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

Typically, this zone is appropriate in rural or semi-rural areas where the existing land use pattern consists of lots greater than one acre in size. This zone may be applied where existing or proposed public facilities and services appropriately serve a density of less than one dwelling per 10 acres, or where there is a transition between urban levels of service and rural areas of service.

51.120 - PERMITTED USES

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

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

51.130 - CONDITIONAL USES

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

A. Animal Raising, specialty
B. Extensive Impact Services and Utilities
C. Cemeteries
D. Schools
E. Community Assembly
F. Churches
G. Kennel
H. Bed and Breakfast
I. Mobile Home

51.140 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 10 Acres

B. Residential Density - 1 dwelling per lot or parcel

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.2
RURAL RESIDENTIAL (R-5)

51.210 - PURPOSE

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

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

51.220 - PERMITTED USES

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

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

51.230 - CONDITIONAL USES

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

A. Animal Raising, specialty
B. Extensive Impact Services and Utilities
C. Cemeteries
D. Schools
E. Community Assembly
F. Churches
G. Kennel
H. Bed and Breakfast
I. Mobile Home
J. The creation of a new parcel or parcels smaller than the minimum lot size only if the criteria in Article 45.120 are met

51.240 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 5 Acres

B. Residential Density - 1 dwelling per lot or parcel

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.3
RURAL RESIDENTIAL (R-2)

51.310 - PURPOSE

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

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

51.320 - PERMITTED USES

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

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

51.330 - CONDITIONAL USES

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

A. Extensive Impact Services and Utilities
B. Cemeteries
C. Schools
D. Community Assembly
E. Churches
F. Animal Raising - Specialty
G. Kennel
H. Bed and Breakfast
I. Mobile Home
J. The creation of a new parcel or parcels smaller than the minimum lot size only if the criteria in Article 45.120 are met

51.340 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 2 Acres

B. Residential Density - 1 dwelling per lot or parcel

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.4
RURAL RESIDENTIAL (R-1)

51.410 - PURPOSE

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

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

51.420 - PERMITTED USES

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

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

51.430 - CONDITIONAL USES

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

A. Extensive Impact Services and Utilities
B. Cemeteries
C. Schools
D. Community Assembly
E. Churches
F. Animal Raising - Specialty
G. Kennel
H. Bed and Breakfast
I. Mobile Home
J. The creation of a new parcel or parcels smaller than the minimum lot size only if the criteria in Article 45.120 are met

51.440 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 1 Acre

B. Residential Density - 1 dwelling per lot or parcel

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.5
SUBURBAN RESIDENTIAL (RS)

51.510 - PURPOSE

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

51.520 - PERMITTED USES

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

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

51.530 - CONDITIONAL USES

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

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

51.540 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 10,000 square feet

B. Residential Density - 1 dwelling per lot or parcel, or one dwelling per 10,000 square feet

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.6
LOW DENSITY RESIDENTIAL (RL)

51.610 - PURPOSE

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

51.620 - PERMITTED USES

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

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

51.630 - CONDITIONAL USES

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

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

51.640 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 7,000 square feet

B. Residential Density - 1 dwelling per lot

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.7
MEDIUM DENSITY RESIDENTIAL (RM)

51.710 - PURPOSE

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

51.720 - PERMITTED USES

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

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

51.730 - CONDITIONAL USES

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

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

51.740 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 5,000 square feet

B. Residential Density - 1 single-family dwelling unit per lot, or 1 duplex or multifamily dwelling per 8,000 square feet

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 51.8
HIGH DENSITY RESIDENTIAL (RH)

51.810 - PURPOSE

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

51.820 - PERMITTED USES

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

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

51.830 - CONDITIONAL USES

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

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

51.840 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 10,000 square feet, 10-24 units per acre

B. Residential Density - 1 single-family dwelling per lot, or 1 multiple-family dwelling unit per 2,000 square feet

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 52.2
NEIGHBORHOOD COMMERCIAL (CN)

52.210 - PURPOSE

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

52.220 - PERMITTED USES

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

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

52.230 - CONDITIONAL USES

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

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

52.240 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 10,000 square feet

B. Maximum Building Gross Floor Area per Use - 3,000 square feet

   In no case shall the Gross Floor Area for one structure or group of structures treated as a common whole exceed 15,000 square feet.

C. Lot Size and Shape - See Article 61

D. Building Heights and Setbacks - See Article 62

E. Fences, Walls and Screening - See Article 64

F. Landscaping - See Article 65

G. Signs - See Article 66

H. Parking - See Article 68

I. Access - See Article 71

ARTICLE 52.4
GENERAL COMMERCIAL (CG)

52.410 - PURPOSE

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

52.420 - PERMITTED USES

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

A. Administrative Service

B. Emergency Services

C. Essential Services

D. Medical Services

E. Parking Services

F. Agricultural Supplies and Services

G. Auto Sales/Rentals/Service

H. Auto Repairs

I. Auto Service Station

J. Building and Garden Sales

K. Entertainment Facilities

L. Farm Equipment Sales/Rentals/Service

M. Fleet Storage

N. Food and Beverage Sales

O. Food and Beverage Service

P. General Merchandise Sales

Q. Heavy Equipment Sales/Rentals/Service

R. Home Furnishings and Appliances

S. Manufactured Dwelling Sales

T. Personal Services

U. Professional Offices

V. Repair Services

W. Retail Sales

X. Warehousing, Storage and Distribution - light

Y. Custom Manufacturing

Z. Accessory Buildings and Uses

Aa. Mini Storage Facility

Bb. Motels/Hotels within the Klamath Falls UGB

Cc. Indoor Sports and Recreation

52.430 - CONDITIONAL USES

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

A. Community Assembly

B. Schools

C. Cultural Services

D. Extensive Impact Services and Utilities

E. Churches

F. RV Parks

G. Heavy Equipment Repairs

H. Large Animal Veterinary Services

I. Kennel

J. Truck Stop

K. Auto Wrecking Yard

L. Worker Residential

M. Manufactured Home Park

N. Towing Facility

52.440 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 5,000 square feet

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

I. Building size limitations for commercial uses on unincorporated commercial lands in Klamath County:

1. New Commercial Uses.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 8,000 square feet of floor space per building.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 4,000 square feet of floor space per building.

   e. Rural Lands Not Included in a - d Above – Building size shall not exceed 3,500 square feet of floor space per building.

2. Existing Commercial Uses.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Klamath County has no designated Urban Unincorporated Communities as of the effective date of this Ordinance.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 5,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

e. Rural Lands Not Included in a - d Above – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 4,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

3. Commercial Uses Primarily Designed to Serve Resource Industries (e.g. Farming, Ranching, Forestry or Mineral Extraction).

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

   e. Rural Lands Not Included in a - d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

4. New or Expanded Commercial Uses Intended to Serve the Rural Area or the Needs of the Traveling Public.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

e. Rural Lands Not Included in a-d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve the Rural Area or the Needs of the Traveling public are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

J. For any proposed development which fails to satisfy the relevant standards of subsection I. above; Klamath County shall require an exception to Goal 14.

K. All non-commercial uses that lawfully existed prior to the adoption of this Ordinance shall be considered lawful established non-conforming uses, which may be restored to their prior lawfully approved size if destroyed or substantially damaged.

ARTICLE 52.6
RECREATIONAL COMMERCIAL (CR)

52.610 - PURPOSE

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

52.620 - PERMITTED USES

A. Administrative Service

B. Community Park

C. Golf Course

D. Essential Services

E. Medical Services

F. Auto Service Station

G. Commercial Campground

H. Food and Beverage Sales

I. Food and Beverage Service

J. Commercial Stables

K. Hotel/Motel

L. Resort

M. Retail Sales

N. Emergency Services

O. Accessory Buildings and Uses

52.630 - CONDITIONAL USES

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

A. Bed and Breakfast

B. Community Assembly

C. Cultural Services

D. Extensive Impact Services and Utilities

E. Churches

F. Custom Manufacturing

G. Worker Residential

H. RV Parks

52.640 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 1 acre

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

I. Building size limitations for commercial uses on unincorporated commercial lands in Klamath County:

1. New Commercial Uses.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 8,000 square feet of floor space per building.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 4,000 square feet of floor space per building.

   e. Rural Lands Not Included in a - d Above – Building size shall not exceed 3,500 square feet of floor space per building.

2. Existing Commercial Uses.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Klamath County has no designated Urban Unincorporated Communities as of the effective date of this Ordinance.

d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 5,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

e. Rural Lands Not Included in a - d Above – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 4,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

3. <u>Commercial Uses Primarily Designed to Serve Resource Industries (e.g. Farming, Ranching, Forestry or Mineral Extraction).</u>

a. Urban Growth Boundaries – No building size limitations.

b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

e. Rural Lands Not Included in a-d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

4. New or Expanded Commercial Uses Intended to Serve the Rural Area or the Needs of the Traveling Public.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

   e. Rural Lands Not Included in a-d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve the Rural Area or the Needs of the Traveling public are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

J. For any proposed development which fails to satisfy the relevant standards of subsection I. above; Klamath County shall require an exception to Goal 14.

K. All non-commercial uses that lawfully existed prior to the adoption of this Ordinance shall be considered lawful established non-conforming uses, which may be restored to their prior lawfully approved size if destroyed or substantially damaged.

ARTICLE 52.8
TRANSPORTATION COMMERCIAL (CT)

52.810 - PURPOSE

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

52.820 - PERMITTED USES

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

A. Administrative Services

B. Essential Services

C. Medical Services

D. Parking Services

E. Auto Sales/Rentals/Services

F. Auto Repairs

G. Auto Service Station

H. Fleet Storage

I. Food and Beverage Sales

J. Food and Beverage Service

K. Heavy Equipment Repairs

L. Heavy Equipment Sales/Rentals/Service

M. Hotel/Motel

N. Manufactured Dwelling Sales

O. Repair Services

P. Truck Stop

Q. Warehousing, Storage and Distribution - light

R. Emergency Services

S. Accessory Buildings and Uses

T. RV Parks

U. Mini Storage Facility

V. Indoor Sports and Recreation

52.830 - CONDITIONAL USES

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

A. Extensive Impact Services and Utilities

B. Farm Equipment Sales/Rentals/Service

C. Warehousing, Storage and Distribution - heavy

D. Auto Wrecking Yard

E. Worker Residential

F. Towing Facility

52.840 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 5,000 square feet

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

I. Building size limitations for commercial uses on unincorporated commercial lands in Klamath County:

   1. New Commercial Uses.

      a. Urban Growth Boundaries – No building size limitations.

      b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

      c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 8,000 square feet of floor space per building.

      d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Building size shall not exceed 4,000 square feet of floor space per building.

e. Rural Lands Not Included in a - d Above – Building size shall not exceed 3,500 square feet of floor space per building.

2. Existing Commercial Uses.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Klamath County has no designated Urban Unincorporated Communities as of the effective date of this Ordinance.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 5,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

   e. Rural Lands Not Included in a - d Above – A lawfully established commercial use that existed prior to December 13, 2005 may expand to occupy a maximum of 4,000 square feet of floor space per building, or an additional 50% of the floor space currently occupied, whichever is greater.

3. Commercial Uses Primarily Designed to Serve Resource Industries (e.g. Farming, Ranching, Forestry or Mineral Extraction).

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

e. Rural Lands Not Included in a - d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

4. New or Expanded Commercial Uses Intended to Serve the Rural Area or the Needs of the Traveling Public.

   a. Urban Growth Boundaries – No building size limitations.

   b. Goal 14 Exception Areas – No building size limitations unless specified by the exception.

   c. Urban Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 8,000 square feet.

   d. Unincorporated Communities Designated Pursuant to OAR Chapter 660, Division 22 – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve resource industries are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 4,000 square feet.

e. Rural Lands Not Included in a - d Above – Notwithstanding paragraphs 1 and 2 of this subsection commercial uses primarily designed to serve the Rural Area or the Needs of the Traveling public are not subject to any building size limitation when permitted through a Type II Administrative Review. Such uses may be permitted through a Type I Administrative Review when building size does not exceed 3,500 square feet.

J. For any proposed development which fails to satisfy the relevant standards of subsection I. above; Klamath County shall require an exception to Goal 14.

K. All non-commercial uses that lawfully existed prior to the adoption of this Ordinance shall be considered lawful established non-conforming uses, which may be restored to their prior lawfully approved size if destroyed or substantially damaged.

ARTICLE 52.91
RURAL COMMUNITY COMMERCIAL (RUC-C) ZONE

52.911 PURPOSE:

This zone establishes/maintains areas for the concentration of local commercial services in order to meet the needs of rural residents, and tourist commercial services consistent with the character of the community.

52.912 PERMITTED USES:

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

1. Agricultural Supplies and Services
2. Commercial Campground
3. Golf Course
4. Commercial Stables
5. Emergency Services
6. Motel/Hotel up to 35 Units only if served by a community sewer system.
7. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

B. The following uses shall be permitted if the following criteria are met: (1) building or buildings do not exceed 4,000 square-feet of floor space. (2) Completion of Article 41 site plan review and approval. (3) All other applicable standards, criteria, rules, and statues governing such uses are satisfied:

1. Auto Service Station
2. Auto Repairs/Sales/Rentals/Service
3. Farm Equipment Sales/Rental/Service
4. Heavy Equipment Sales/Rentals/Service
5. Heavy Equipment Repairs
6. Miscellaneous Repair Services
7. Food and Beverage Sales/Service
8. Building and Garden Sales
9. General Merchandise Sales
10. Retail Sales
11. Home Furnishings and Appliances
12. Mini-Storage Facility
13. Administrative Service
14. Essential Services
15. Medical Services

16. Personal Services
17. Professional Offices
18. Custom Manufacturing
19. R.V. Parks
20. Accessory Building and Uses
21. Fleet Storage
22. Manufactured Dwelling Sales
23. Truck Stops
24. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.913 Conditional Uses:

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

A. Bed and Breakfast
B. Community Assembly
C. Cultural Services
D. Churches
E. Extensive Impact Services and Utilities
F. School
G. Veterinary Services
H. Warehousing, Storage and Distribution-Light/Heavy
I. Worker Residential
J. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.914 Property Development Standards:

A. Minimum lot size - 5,000 square feet; and

1. The site shall be of sufficient size to accommodate an On Site Sewage Collection System, unless such system can be accessed by easement or water is to be provided by a public provider.

2. Will not result in public health hazards or adverse environmental impacts that violate state or water quality regulations and meet the development standards of the Klamath County Health Department and the Oregon Department of Environmental Quality.

3. Will meet water and sewer requirements.

B. Lot Size and Shape - See Article 61

C. Building Height and Setback - See Article 62, General Commercial

D. Fences, Wall, and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66, General Commercial

G. Parking - See Article 68

H. Access - See Article 71

I. Building Size:

1. Uses listed above as Permitted Uses (52.912(2)) and Conditional Uses (52.913) shall not exceed the 4,000 square-foot limit unless:

    a. The use is approved as a plan amendment under the provision of Article 47, 48, and 49; and

    b. The use is limited pursuant to Article 59.8, Limited Use Overlay, to a size of building or buildings that is intended to serve the community, surrounding rural area or the travel needs of people passing through the area.

2. A lawfully established use that existed prior to the adoption of this Article may expand to occupy 4,000 square feet of floor area within a building(s). *If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area,* the floor area may be expanded to occupy a maximum of 4,000 square feet, *or* an additional 50% of the floor area currently occupied, whichever is greater.

3. A floor-space to lot-size ratio of 0.5 for those new small-scale low-impact permitted or conditional uses that occur on vacant commercial, *substandard* size parcels. (Example: a 4,000 square foot (0.09 acre) parcel x 0.5 may accommodate a 2,000 square foot commercial structure).

ARTICLE 52.92
RURAL SERVICE CENTER COMMERCIAL (RSC-C) ZONE

52.921 PURPOSE

This zone establishes/maintains areas for the concentration of local commercial services in order to meet the needs of rural residents, and tourist commercial services consistent with the character of the community.

52.922 PERMITTED USES

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

1. Agricultural Supplies and Services
2. Commercial Campground
3. Commercial Stables
4. Emergency Services
5. Motel/Hotel up to 35 Units
6. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

B. The following uses shall be permitted if the following criteria are met: (1) Building or buildings do not exceed 4,000 square-feet of floor space. (2) Completion of Article 41 site plan review and approval. (3) All other applicable standards, criteria, rules, and statues governing such uses are satisfied:

1. Auto Service Station
2. Auto Repairs/Sales/Rentals/Service
3. Farm Equipment Sales/Rental/Service
4. Heavy Equipment Sales/Rentals/Service
5. Heavy Equipment Repairs
6. Miscellaneous Repair Services
7. Food and Beverage Sales/Service
8. Building and Garden Sales
9. General Merchandise Sales
10. Retail Sales
11. Home Furnishings and Appliances
12. Mini-Storage Facility
13. Administrative Service
14. Essential Services
15. Medical Services

16. Personal Services
17. Professional Offices
18. Custom Manufacturing
19. Golf Course
20. R.V. Parks
21. Accessory Building and Uses
22. Fleet Storage
23. Manufactured Dwelling Sales
24. Truck Stops
25. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.923 CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied and the following criteria are met: (1) Building or buildings do not exceed 4,000 square-feet of floor space.

A. Bed and Breakfast
B. Community Assembly
C. Cultural Services
D. Churches
E. Extensive Impact Services and Utilities
F. School
G. Veterinary Services
H. Warehousing, Storage and Distribution-Light/Heavy
I. Worker Residential
J. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.924 PROPERTY DEVELOPMENT STANDARDS:

A. Minimum lot size - 5,000 square feet; and

1. The site shall be of sufficient size to accommodate an On Site Sewage Collection System, unless such system can be accessed by easement or water is to be provided by a public provider.

2. Will not result in public health hazards or adverse environmental impacts that violate state or water quality regulations and meet the development standards of the Klamath County Health Department and the Oregon Department of Environmental Quality.

3. Will meet water and sewer requirements.

B. Lot Size and Shape - See Article 61

C. Building Height and Setback - See Article 62, General Commercial

D. Fences, Wall, and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66, General Commercial

G. Parking - See Article 68

H. Access - See Article 71

I. Building Size:

1. Uses listed above as Permitted Uses (52.922{2}) and Conditional Uses (52.923) shall not exceed the 4,000 square-foot limit unless:

    a. The use is approved as a plan amendment under the provision of Article 47,48,and 49; and

    b. The use is limited pursuant to Article 59.8, Limited Use Overlay, to a size of building or buildings that is intended to serve the community, surrounding rural area or the travel needs of people passing through the area.

2. A lawfully established use that existed prior to the adoption of this Article may expand to occupy 4,000 square feet of floor area within a building(s). *If the use within the unincorporated community is determined to serve the community or the travel needs of people passing through the area*, the floor area may be expanded to occupy a maximum of 4,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater.

3. A floor-space to lot-size ratio of 0.5 for those new small-scale low-impact permitted or conditional uses that occur on vacant commercial, *substandard* size parcels. (Example; a 4,000 square foot (0.09 acre) parcel x 0.5 may accommodate a 2,000 square foot commercial structure).

ARTICLE 52.93
RURAL COMMUNITY RESORT COMMERCIAL (RCR-C) ZONE

52.931 - PURPOSE

This zone establishes/maintains areas for the concentration of rural resort commercial services, and shall apply within the boundaries of the unincorporated rural resort communities of Rocky Point and Crescent Lake.

Additionally:

1. A Rural Community Commercial (RUC-C) zoning district shall apply to commercial lands within the boundaries of Beatty and Sprague River.

2. A Rural Community Resort Commercial (RUC-C) zoning district shall be applied to the existing commercial lands within the boundaries of the unincorporated rural resort communities of Rocky Point and Crescent Lake.

52.932 Permitted Uses:

1. Uses intended to provide for the concentration of local commercial services in order to meet the needs of rural residents, and tourist commercial services consistent with the character of the community. The following uses shall be permitted if the following criteria are met: (1) completion of Article 41(site plans review/approval) and (2) all other applicable standards, criteria, rules, and statues governing such uses are satisfied:

    A. Emergency Services

    B. Parks

    C. Commercial Campground

    D. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

2. The following uses shall be permitted if the following criteria are met (1) building or buildings do not exceed 4,000 square feet of floor space (2) completion of Article 41 site plan review/approval and (3) all other applicable standards, criteria, rules, and statues governing such uses are satisfied:

    A. Administrative Service

    B. Auto Repair

    C. Auto Service Station

D. Food and Beverage Sales and Service

E. Medical Services

F. Personal Services

G. Professional Offices

H. Repair Services

I. Retail Sales

J. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.933 Conditional Uses:

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied, and if the following criteria are met (1) building or buildings do not exceed 4,000 square feet of floor space (2) completion of Article 41 site plan review/approval and (3) all other applicable standards, criteria, rules, and statues governing such uses are satisfied:

A. Bed and Breakfast

B. Churches

C. Community Assembly

D. Cultural Service

E. Golf Course

F. Mini-Storage Facility

G. RV Parks

H. Veterinary Service

I. Worker Residential

J. Resorts

K. Motels/Hotels/Resort Lodges any number of units only if served by a community sewer system.

L. Uses determined by the Planning Director to be similar to those listed in this section to serve the recreational, public, and travel needs of the community and surrounding area as provided for by Article 12.070B(1) of the Land Development Code.

52.934 - Property Development Standards:

A. Minimum lot size – 1 acre, and

1. The site shall be of sufficient size to accommodate an On Site Sewage Collection System, unless such system can be accessed by easement or water is to be provided by a public provider.
2. Will not result in public health hazards or adverse environmental impacts that violate state or water quality regulations and meet the development standards of the Klamath County Health Department and the Oregon Department of Environmental Quality.
3. Will meet water and sewer requirements.

B. Lot Size and Shape - See Article 61

C. Building Height and Setback - See Article 62, General Commercial

D. Fences, Wall, and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66, General Commercial

G. Parking - See Article 68

H. Building Size:

1. Uses listed above as Permitted Uses (52.932{2}) and Conditional Uses (52.933) shall not exceed the 4,000 square-foot limit unless:

    a. The use is approved as a plan amendment under the provision of Article 47, 48, and 49; and

    b. The use is limited pursuant to Article 59.8, Limited Use Overlay, to a size of building or buildings that is intended to serve the community, surrounding rural area or the travel needs of people passing through the area.

2. A lawfully established use that existed prior to the adoption of this Article may expand to occupy 4,000 square feet of floor area within a building(s). *If the use within the unincorporated community is determined to meet the needs of rural residents and provide for tourist services,* the floor area may be expanded to occupy a maximum of 4,000 square feet, *or* an additional 50% of the floor area currently occupied, whichever is greater.

3. A floor-space to lot-size ratio of 0.5 for those new small-scale low-impact permitted or conditional uses that occur on vacant commercial, *substandard* size parcels. (Example; a 4,000 square foot (0.09 acre) parcel x 0.5 may accommodate a 2,000 square foot commercial structure).

ARTICLE 53.2
LIGHT INDUSTRIAL (IL)

53.210 - PURPOSE

The purpose of this zone is to establish and maintain places where manufacturing, storage and wholesale distribution can be undertaken in close proximity to one another without encroaching upon the character of the adjacent land uses. It is not the purpose of the Light Industrial zone to permit the processing of raw materials.

53.220 - PERMITTED USES

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

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

53.230 - CONDITIONAL USES

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

A. Extensive Impact Services and Utilities
B. Agricultural Waste Processing
C. Stockyards
D. Auto Wrecking Yard

E. Scrap Operations
F. Worker Residential
G. Food and Beverage Service

53.240 - PROPERTY DEVELOPMENT STANDARDS

A. No parcel planned and zoned for industrial use as of November 15, 1990, shall be further partitioned or subdivided except for a specific industrial use listed in Section 53.220 or Section 53.230, and verification is provided in the form of the following:

   1. A letter of credit or other verification that funds or financing has been secured or approved for the proposed use; and
   2. Construction working drawings for the proposed facility; and
   3. A letter of intent from a prospective industrial company.

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

ARTICLE 53.4
HEAVY INDUSTRIAL (IH)

53.410 - PURPOSE

The purpose of this zone is to establish and maintain places where large areas of land are needed for the fabrication, processing, and movement of raw materials and where the potential impacts of noise, odor, vibration, glare, and/or heat are least likely to affect adjacent land uses.

53.420 - PERMITTED USES

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

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

53.430 - CONDITIONAL USES

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

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

53.440 - PROPERTY DEVELOPMENT STANDARDS

A. No parcel planned and zoned for industrial uses as of November 15, 1990, shall be further partitioned or subdivider except for a specific industrial use listed in Section 53.420 or Section 53.430, and verification is provided in the form of the following:

   1. A letter of credit or other verification that funds or financing has been secured or approved for the proposed use; and

   2. Construction working drawings for the proposed facility; and

   3. A letter of intent from a prospective industrial company.

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

ARTICLE 53.5
AIR/RAIL TRANSPORTATION

53.510 - PURPOSE

The purpose of this zone is to enhance the economic viability of Klamath County by encouraging the development of sites to business that would benefit from being located in close proximity to a major transportation facility.

53.520 - PERMITTED USES

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

A. Industrial

1. Fleet Storage
2. General Manufacturing
3. Secondary Processing of Forest Products
4. Explosive and Hazardous Materials
5. Agricultural Processing

B. Commercial

1. Parking Service
2. Warehousing, Storage and Distribution - light and heavy
3. Accessory Buildings and Uses
4. Mini Storage Facility
5. Heavy Equipment Repairs
6. Heavy Equipment Sales/Rental/Service
7. Essential Services
8. Auto Rentals and Services
9. Farm Equipment Sales/Rental/Service
10. Emergency Services

53.530 - PROPERTY DEVELOPMENT STANDARDS

A. Industrial

1. Lot Size and Shape - See Article 61

2. Building Heights and Setbacks - See Article 62

3. Fences, Walls and Screening - See Article 64

4. Landscaping - See Article 65

5. Signs - See Article 66

6. Parking - See Article 68

7. Access - See Article 71

B. Commercial

1. Minimum Lot Size (5,000 square feet)

2. Lot Size and Shape - See Article 61

3. Building Heights and Setbacks - See Article 62

4. Fences, Walls and Screening - See Article 64

5. Landscaping - See Article 65

6. Signs - See Article 66

7. Parking - See Article 68

8. Access - See Article 71

C. Any air/rail uses designated in Section 53.520(A) and (B) shall maintain a 500 foot buffer area around any existing residence.

ARTICLE 53.91
RURAL COMMUNITY INDUSTRIAL (RUC-I) ZONE

53.911 PURPOSE:

This zone establishes/maintains places where land is needed for the fabrication, processing, storage, and movement of raw materials where the potential impact of noise, odor, vibration, glare, and /or heat are least likely to affect adjacent land uses. It is intended to (1) promote appropriate economic development; (2) protect the existing character of the area; (3) preserve or enhance the air, water, and land resources of the area.

A Rural Commercial Industrial (RUC-I) zoning district shall apply to existing industrial lands within the boundaries of Beatty.

53.912 PERMITTED USES:

The following uses shall be permitted if the following criteria are satisfied (1) building or buildings do not exceed 10,000 square-feet of floor space; (2) completion of Article 41, Site Plan Review, and; (3) all other applicable standards, criteria, rules, and statues governing such uses:

A. Agriculture Packing and Processing

B. Agriculture Supplies and Services

C. Auto Repairs

D. Custom/General Manufacturing

E. Essential Services

F. Heavy Equipment Repairs

G. Mini Storage Facility

H. Saw Mill

I. Secondary Processing of Forest Products

J. Warehousing, Storage and Distribution-Heavy/Light

K. Administrative Services

L. Auto Sale/Rental Service

M. Building and Garden Sales

N. Fleet Storage

O. Heavy Equipment Sales/Rental/Services

P. Manufactured Dwelling Sales

Q. Accessory Buildings and Uses

R. Uses determined by the Planning Director to be similar to those listed in this section to promote appropriate economic development, protect the existing character, preserve or enhance the air, water, and land resources of the area as provided for by Article 12.070B(1) of the Land Development Code.

53.913 CONDITIONAL USES:

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied and the following criteria are met: (1) Building or buildings do not exceed 10,000 square-feet of floor space:

A. Extensive Impact Services and Utilities

B. Agricultural Waste Processing

C. Stockyards

D. Worker Residential

E. Food and Beverage Service

F. Heavy Industrial

G. Uses determined by the Planning Director to be similar to those listed in this section to promote appropriate economic development, protect the existing character, preserve or enhance the air, water, and land resources of the area as provided for by Article 12.070B(1) of the Land Development Code.

53.914 USE LIMITATIONS:

The following limitation and standards shall apply to all permitted and conditional uses:

A. Any permitted use that meets the following criteria shall require a conditional use permit:

   1. Any use expected to generate more than 30-truck-trailer or other heavy equipment trips per day to/from the property which is adjacent to or across from a residential dwelling, a lot in a platted subdivision, or a residential zone.

2. Any use expected to generate more than 20 auto or truck trips during the busiest hour of the day to/from the premises.
3. The use is expected to utilize arterial, collector, or other improved street/roads that pass through or are adjacent to residential lots, platted subdivisions, or residential zones.

B. Any use on a lot adjacent to/across from a residential dwelling, a lot in a platted residential subdivision, or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible more than 200 feet in the direction of the affected residential use or lot.

C. No use shall be permitted to operate for business between the hours of 10 p.m. and 7a.m., if located adjacent to/across from residential dwellings, lots in platted residential subdivisions or residential zones, and resultant vehicle traffic passes through or is adjacent to residential lots in platted subdivisions or residential zones.

D. No use shall be permitted which has been declared a nuisance by state statute, county ordinance, or a court of competent jurisdiction.

53.915 PROPERTY DEVELOPMENT STANDARDS:

A. No parcel planned and zoned for industrial use as of November 15, 1990, shall be further partitioned except for a specific industrial use listed in Section 53.912 or Section 53.913.

   Verification is provided in the form of the following:

   1. Construction drawings for the proposed facility; and
   2. A letter of intent from a prospective company; and
   3. The site shall be of sufficient size to accommodate an on-site sewage collection system and water system, unless such system can be accessed by easement or water is to be provided by a public provider, and;
   4. Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and
   5. Will meet water and sewer requirements.

B. Lot Size and Shape – See Article 61

C. Building heights and Setbacks – See Article 62, Light Industrial

D. Fences, Walls and Screening – See Article 64

E. Landscaping – See Article 65

F. Signs – See Article 66, Light Industrial

G. Parking – See Article 68, Light Industrial

H. Access – see Article 71

I. Building Size:

1. Uses listed above as Permitted Uses (53.912) and Conditional Uses (53.913) shall not exceed the 10,000 square-foot limit unless:

   a. The use is approved as a plan amendment under the provision of Article 47,48,and 49; and

   b. The use is limited pursuant to Article 59.8, Limited Use Overlay, to a size of building or buildings that is intended to serve the community, surrounding rural area, promote appropriate economic development, protect the existing character, and preserve or enhance the air, water, and land resources of the area.

2. A lawfully established use that existed prior to the adoption of this Article may expand to occupy 10,000 square feet of floor area within a building(s). If the use is determined to "promote appropriate economic development, protect the existing character , and preserve or enhance the air, water, and land resources of the area," the floor area may be expanded to occupy a maximum of 10,000 square feet, or an additional 50% of the floor area currently occupied, whichever is greater.

ARTICLE 53.92
RURAL SERVICE CENTER INDUSTRIAL (RSC-I) ZONE

53.921 PURPOSE:

This zone establishes/maintains places where land is needed for the fabrication, processing, storage, and movement of raw materials where the potential impact of noise, odor, vibration, glare, and /or heat are least likely to affect adjacent land uses. It is intended to (1) promote appropriate economic development; (2) protect the existing character of the area; (3) preserve or enhance the air, water, and land resources of the area.

53.922 PERMITTED USES:

The following uses shall be permitted if the following criteria are satisfied (1) building or buildings do not exceed 10,000 square-feet of floor space; (2) completion of Article 41, Site Plan Review, and; (3) all other applicable standards, criteria, rules, and statues governing such uses:

A. Agriculture Packing and Processing
B. Agriculture Supplies and Services
C. Auto Repairs
D. Custom/General Manufacturing
E. Essential Services
F. Heavy Equipment Repairs
G. Mini Storage Facility
H. Saw Mill
I. Secondary Processing of Forest Products
J. Warehousing, Storage and Distribution-Heavy/Light
K. Administrative Services
L. Auto Sale/Rental Service
M. Building and Garden Sales
N. Fleet Storage
O. Heavy Equipment Sales/Rental/Services
P. Manufactured Dwelling Sales
Q. Accessory Buildings and Uses
R. Uses determined by the Planning Director to be similar to those listed in this section to promote appropriate economic development, protect the existing character, preserve or enhance the air, water, and land resources of the area as provided for by Article 12.070B(1) of the Land Development Code.

53.923 CONDITIONAL USES:

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied and the following criteria are met: (1) Building or buildings do not exceed 10,000 square-feet of floor space.

A. Extensive Impact Services and Utilities
B. Agricultural Waste Processing
C. Stockyards
D. Worker Residential
E. Food and Beverage Service
F. Heavy Industrial
G. Uses determined by the Planning Director to be similar to those listed in this section to promote appropriate economic development, protect the existing character, preserve or enhance the air, water, and land resources of the area as provided for by Article 12.070B(1) of the Land Development Code.

53.924 USE LIMITATIONS:

The following limitation and standards shall apply to all permitted and conditional uses:

A. Any permitted use that meets the following criteria shall require a conditional use permit:

    1. Any use expected to generate more than 30-truck-trailer or other heavy equipment trips per day to/from the property which is adjacent to or across from a residential dwelling, a lot in a platted subdivision, or a residential zone.

    2. Any use expected to generate more than 20 auto or truck trips during the busiest hour of the day to/from the premises.

    3. The use is expected to utilize arterial, collector, or other improved street/roads that pass through or are adjacent to residential lots, platted subdivisions, or residential zones.

B. Any use on a lot adjacent to/across from a residential dwelling, a lot in a platted residential subdivision, or a residential zone shall not emit odor, dust, fumes, glare, flashing lights, noise, or similar disturbances perceptible more than 200 feet in the direction of the affected residential use or lot.

C. No use shall be permitted to operate for business between the hours of 10 p.m. and 7a.m., if located adjacent to/across from residential dwellings, lots in platted residential subdivisions or residential zones, and resultant vehicle traffic passes though or is adjacent to residential lots in platted subdivisions or residential zones.

D. No use shall be permitted which has been declared a nuisance by state statute, county ordinance, or a court of competent jurisdiction.

53.925 PROPERTY DEVELOPMENT STANDARDS:

A. No parcel planned and zoned for industrial use as of November 15, 1990, shall be further partitioned except for a specific industrial use listed in Section 53.922 or Section 53.923. Verification is provided in the form of the following:

1. Construction drawings for the proposed facility; and
2. A letter of intent from a prospective company; and
3. The site shall be of sufficient size to accommodate an on-site sewage collection system and water system, unless such system can be accessed by easement or water is to be provided by a public provider, and;
4. Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and
5. Will meet water and sewer requirements.

A. Lot Size and Shape – See Article 61

B. Building heights and Setbacks – See Article 62, Light Industrial

C. Fences, Walls and Screening – See Article 64

D. Landscaping – See Article 65

E. Signs – See Article 66, Light Industrial

F. Parking – See Article 68, Light Industrial

G. Access – see Article 71

H. Building Size:

1. Uses listed above as Permitted Uses (53.922) and Conditional Uses (53.923) shall not exceed the 10,000 square-foot limit unless:

    a. The use is approved as a plan amendment under the provision of Article 47,48, and 49; and

    b. The use is limited pursuant to Article 59.8, Limited Use Overlay, to a size of building or buildings that is intended to serve the community, surrounding rural area, promote appropriate economic development, protect the existing character, and preserve or enhance the air, water, and land resources of the area.

2. A lawfully established use that existed prior to the adoption of this Article may expand to occupy 10,000 square feet of floor area within a building(s). If the use is determined to *"promote appropriate economic development, protect the existing character, and preserve or enhance the air, water, and land resources of the area,"* the floor area may be expanded to occupy a maximum of 10,000 square feet, *or* an additional 50% of the floor area currently occupied, whichever is greater.

ARTICLE 54
EXCLUSIVE FARM USE (EFU)

54.010 - PURPOSE

The purpose of the Exclusive Farm Use zones is to preserve and maintain agricultural lands for farm use and future needs for agricultural products, forests and open spaces; to conserve and protect scenic resources; to maintain and improve the quality of air, water and land resources of the County; and to establish criteria and standards for farm uses and related and supportive uses which are deemed appropriate.

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

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

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

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

54.015 - DEFINITIONS

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

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

B. Date of creation and existence: When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfiguration means any change in the boundary of the lot, parcel or tract.

C. Irrigated: means watered by an artificial or controlled means, such as sprinklers, furrows, ditches, or spreader dikes. An area or tract is "irrigated" if it is currently watered, or has established rights to use water for irrigation, including such tracts that receive water for irrigation from a water or irrigation district or other provider. For the purpose of this division, an area or tract within a water or irrigation district that was once irrigated shall continue to be considered “irrigated” even if the irrigated water was removed or transferred to another tract.

D. Agricultural Land: Lands classified by the U.S. Soil Conservation Service as predominantly (51% or more) Class I-VI soils; lands in other soil classifications that are suitable for farm use as defined in ORS 215.203(2)(a), taking into account soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, and accepted farming practices; land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands. Agricultural land does not include land within acknowledged urban growth boundaries or within acknowledged exception areas for goals 3 and 4.

E. High-Value Farmland: land in a tract composed predominantly (51% or more) of soils that, at the time the dwelling is approved for the tract are:

1. Irrigated and classified prime, unique, Class I, or Class II; or

2. Not irrigated and classified prime, unique, Class I or Class II; or

3. Shown to have grown specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For the purposes of this section, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards, but not including seed crops, hay, pasture, or alfalfa.

54.020 - PERMITTED USES

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

A. Farm use.

B. The propagation or harvesting of a forest product.

C. Nonresidential buildings customarily provided in conjunction with farm use.

D. Operations for the exploration for and production of geothermal resources and oil and gas including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

E. Operations for the exploration for minerals. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732(1)(a) or (b).

F. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.

G. Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels would result.

H. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

I. Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

J. A replacement dwelling to be used in conjunction with farm use if the existing dwelling meets the definition of historic as defined in ORS 358.480, and has been listed in the County historical resources inventory as an historic property.

K. Alteration, restoration, or replacement of lawfully established dwellings, provided such dwellings have intact exterior walls and roof structure, indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary disposal system; interior wiring for interior lights; and a heating system. In the case of replacement, the original dwelling must be removed, demolished, or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

L. The creation, restoration or enhancement of wetlands.

M. Winery as described in ORS 215.452.

N. Destination Resorts that meet the criteria of and follow the review process established in Article 88 of this Code. Destination Resorts are limited to areas designated in the ordinance as appropriate for this purpose.

O. Farm stands, meaning structures designed and used for the sale of farm crops and/or livestock grown or raised on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items and fee based activity to promote the sale of farm crops and/or livestock sold at the farm stand, if:

1. The sale of incidental items and fees from promotional activity does not exceed 25 percent of the total annual sales of the farm stand.

2. The farm stand does not include structures designed or used for occupancy as a residence or for activity other than described under 54.020 (O) and does not include structures for banquets, public gatherings or public entertainment.

P. Churches and cemeteries in conjunction with churches, consistent with ORS 215.441; & public or private schools, including all buildings essential to the operation of a school; provided that:

1. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of this code.

2. New development is limited to lots or parcels not determined to be high-value farmland.

3. These uses are subject to the Type II Administrative Review Procedure pursuant to Article 22.

Q. Fire service facilities providing rural fire protection services.

54.030 - CONDITIONAL USES

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

A. Agricultural Packing and Processing.

B. Agricultural Supplies and Services.

C. Stockyards and Animal Sales.

D. Agricultural Waste Processing.

E. Operations conducted for the mining and processing of geothermal resources and oil and gas not otherwise permitted under Section 54.020.

F. Operations conducted for the mining, crushing or stockpiling of aggregate and

other mineral and subsurface resource sites inventoried in the Comprehensive Plan in excess of 1,000 cubic yards of material or where the surface area of the site is more than 1 acre.

G. Operations conducted for processing of aggregate into asphalt or Portland cement not within two miles of a planted vineyard, defined as one or more vineyards totaling at least 40 acres that are planted as of the date the application for batching and blending is filed.

H. Operations conducted for processing other mineral resources and other subsurface resources.

I. Private parks, hunting and fishing preserves, and campgrounds. For the purposes of this Article, Campground shall mean an area devoted to overnight temporary use for vacation, recreational or emergency purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores, or gas stations. Existing facilities may be maintained, enhanced, or expanded, provided they comply with other requirements of this code. New development of this type is limited to lots or parcels not determined to be high-value farmland.

J. Parks and playgrounds.

K. Regulation Golf courses, as defined in OAR 660-33-130(20). Existing golf courses may be expanded provided they comply with the standards set forth in OAR 660-33-130(20), and meet additional criteria stipulated in OAR 660-33-130(5). New golf courses are limited to parcels not determined to be high-value farmland. Note that executive golf courses, par-3 golf courses, pitch and putt golf courses, miniature golf courses, and driving ranges do not qualify as regulation golf courses and are not allowed in EFU zones.

L. Accessory uses to regulation golf courses such as: parking, maintenance buildings, cart storage, practice range, clubhouse, restrooms, lockers and showers, food and beverage service, pro shop, a practice course as part of a larger golf course.

    1. Accessory uses shall be limited to a size, and oriented in a manner, necessary to serve the needs of persons and their guests who patronize the golf course to golf.

    2. An accessory use that provides commercial services shall be located in the clubhouse rather than in a separate building.

M. Commercial utility facilities for the purpose of generating power for public sale. If the commercial utility facilities take more than 20 acres out of commercial agricultural production on land not designated high-value farmland, or 12 acres on land that is determined to be high-value farmland, an exception must be

taken pursuant to OAR 660-04.

N. Transmission towers over 200 feet in height.

O. Utility facilities necessary for public service, and which must be situated in an agricultural zone in order for that service to be provided.

P. Personal use airports for airplanes and helicopter pads, including associated hanger, maintenance and service facilities.

Q. Temporary facilities for the primary processing consistent with ORS 215.283(2)(i) of forest products grown on or adjacent to the parcel where the facility is sited. The permit is valid for one year and is renewable.

R. A solid waste disposal site for which a permit has been granted under ORS 459.245 by the Oregon Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation. New development of this type is limited to lots or parcels not determined to be high-value farmland.

S. Kennel. Existing facilities may be maintained, enhanced, or expanded, provided they comply with other requirements of this code. New development of this type is limited to lots or parcels not determined to be high-value farmland.

T. The propagation, cultivation, maintenance and harvesting of aquatic species.

U. Construction of additional passing and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.

V. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

W. Improvement of public road and highway-related facilities, such as maintenance yards, weigh stations and rest area, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

X. Home Occupations as allowed under Article 85 of this code. In addition to Article 85, the following criteria apply to home occupations in EFU zones: 1) a home occupation may be authorized in an existing dwelling and structures accessory to an existing dwelling; 2) they may not be authorized in structures accessory to resource use; 3) a home occupation located on high-value farmland may employ only residents of the home.

Y. Residential Care Home in an existing dwelling.

Z. Guest Ranches (See Section 54.035)

Aa. Community centers owned by a government agency or a nonprofit organization and operated primarily by and for residents of the local rural community.

Bb.Transportation improvements on rural lands allowed by OAR 660-012-0065.

54.035 – CRITERIA FOR GUEST RANCHES

A. A guest ranch as defined in Section 11.030 may be established in conjunction with an existing and continuing agricultural operation, using accepted agricultural livestock practices, that qualifies as a farm use under ORS 215.203 in any area zoned for exclusive farm use if the following conditions are met:

1. Except as provided in 54.035(A)(4), the lodge, bunkhouses and/or cottages cumulatively shall include not less than four nor more than ten overnight guest rooms exclusive of kitchen areas, rest rooms, storage and other shared indoor facilities and not exceed a total of 12,000 square feet in floor area.

2. The guest ranch shall be located on a lawfully created parcel that is at least 160 acres in size, the parcel containing the dwelling of the person conducting the livestock operation, and not classified as high-value farmland as defined in ORS 215.710.

3. The guest ranch may be sited on any portion of a lot or parcel, if the majority of that lot or parcel is more than 10 air miles from an urban growth boundary containing a population greater than 5000.

4. For each additional 160 acres above the minimum 160 acres needed to establish a guest ranch as described in 54.035(A)(1), up to five additional overnight guest rooms and 3,000 square feet of floor area may be added to the guest ranch for a total of not more than 25 guest rooms and 21,000 square feet of floor area.

B. A guest ranch may provide recreational activities that can be provided in conjunction with the livestock operation's natural setting, including but not limited to hunting, fishing, hiking, biking, horseback riding, camping or swimming. However, activities that require significant development such as campgrounds and golf courses shall not be allowed. A guest ranch shall not be allowed in conjunction with an existing golf course under ORS 215.283(2)(f) or an existing campground under ORS 215.283(2)(c).

C. Food services shall be incidental to the operation of the guest ranch. Food services shall be provided only for the guests of the guest ranch and the costs for meals provided shall be included as part of the fee to visit or stay at the guest ranch. The sale of individual meals to persons who are not guests of the guest ranch shall not be allowed.

D. Approval of a guest ranch shall be subject to the provisions of ORS 215.296 (1) and (2).

54.040 - CONDITIONAL USE CRITERIA

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

A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations; and

B. The proposed use is in conformance with all standards and criteria of this Code, notably Article 57;

C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands;

D. A written statement will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm or forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.

E. The proposed use will not significantly increase fire hazards or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

F. The use complies with other conditions as the review authority considers necessary.

54.050 - GENERAL REVIEW CRITERIA FOR EFU ZONE DWELLINGS

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

A. The lot or parcel upon which the dwelling will be placed was legally created; and

B. The proposed dwelling site can obtain approval for on-site sewage disposal, will be adequately served by road access, water, utilities, and fire protection (will not cause these facilities or services provided to the area to exceed existing capacities); and

C. Approval of the dwelling will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations; and

D. The dwelling and its placement are in conformance with all required standards and criteria of County code; and

E. Approval of the dwelling will not materially alter the stability of the overall land use pattern in the area when considering the cumulative impact of dwellings on

other lots or parcels in the area; and

F. The dwelling and accessory structures are sited on the parcel such that the building site selected will minimize impact to nearby farm and forest lands and operations; and

G. Before final planning approval can be granted, the Planning Director or his/her designee shall check the Division of State Lands' most current wetlands inventory maps, and determine if the site proposed for development may have a wetland located on it. If it is determined that a DSL-recognized wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands. A copy of this letter shall be sent to the applicant. DSL has 30 days to comment, beginning on the day notification is sent. A final decision on the application cannot be rendered until the 30-day comment period has expired.

H. The use complies with other conditions as the review authority considers necessary.

54.060 - FARM DWELLINGS

A. REVIEW PROCESS Review of applications for farm dwelling permits shall be subject to the Type II Administrative Review procedure and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.

B. REVIEW CRITERIA All applications for farm dwellings will be reviewed according to the criteria enumerated in 54.050, as well as the following criteria. At the time an application is made for a farm dwelling building permit, the applicant shall provide documentation showing that the dwelling is in conjunction with farm use of the property. A dwelling is considered to be customarily provided in conjunction with farm use and satisfies the requirements of this section when all of the following conditions (1 through 5) are met:

1. Except if the farm passes the capability test (see 54.060(B)(5)(c), the parcel upon which dwelling will be placed meets the minimum lot size in the applicable zone, as follows:

   EFU-C - The parcel is at least 80 acres in size;
   EFU-CG - The parcel is at least 80 acres in size; or
   EFU-G - The parcel is at least 160 acres in size.

2. The parcel is currently employed for farm use as defined in ORS 215.203.

3. Except for accessory farm dwellings under part C of this section, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 or for mixed farm/forest use pursuant to OAR 660-006-057 owned by the farm or ranch operator or on the farm or ranch operation.

4. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land at a commercial scale, and in the case of item (5) below, produced the commodities which earned the income necessary to meet the relevant requirement.

5. The tract in which the parcel is located passes one of the following tests. Income information should be presented to the Planning Department by way of Federal Income Tax Schedule F.

    a. SIZE TEST. A farm passes the size test if the tract on which the farm is located is at least 160 acres and not designated rangeland, or 320 acres and designated rangeland, and *is not* high-value farmland.

    b. INCOME TEST. A farm passes the income test if either (1-2):

        1) The tract which includes the farm *is not* high-value farmland, and the farm produced in the last two years or three of the last five years at least $40,000 in gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.

        2) The tract which includes the farm *is* high-value farmland, and the farm produced in the last two years or three of the last five years at least $80,000 of gross annual income from the sale of farm products. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation.

        3) The following (i-ii) apply to both 1& 2 (income test for high value and non-high value farm land) of this subsection:

            i) Only gross income from land owned, not leased or rented, shall be counted. Gross income earned from a lot or parcel which has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling shall not be used. In determining income requirements, lots or parcels zoned for farm use in the same county and contiguous counties may be used.

            ii) Pursuant to OAR 660-033-0135, for all contiguous and non-contiguous lots or parcels used to comply with the gross farm income requirements, the covenants, conditions & restrictions form adopted as “FMD Exhibit A” must be recorded with the county clerk of the county or counties those lots/parcels are located in. This must be done prior to the final approval of the farm dwelling.

c. CAPABILITY TEST.

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

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

2) **FARM SIZE** The subject tract which includes the farm is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least $10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract (see below for method of computing annual gross sales capability); and

3) **CAPABILITY** The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops (defined below) as the same commercial farm or ranch tracts included in the study area described immediately above; and

4) **USE** The subject tract is employed in a farm use at a scale capable of producing the equivalent of the median level of annual gross sales of county indicator crops; and

   a) If at time of application farm use is of insufficient scale to meet these requirements, approval may be given subject to a condition that no building permit may be issued prior to the establishment of farm use at the required scale.

5) **LOT SIZE** The specific subject lot or parcel on which the dwelling is proposed is not less than 20 acres.

6) Annual gross sales capability for a single tract shall be computed by first determining the land classes present on the tract and their acreage (obtained from the county assessor); next multiplying the number of acres in each land class in the tract by the gross sales per acre for the land class (this data provided by the county) and subsequently adding them together.

C. ACCESSORY FARM DWELLINGS - accessory dwelling(s) for a farm operator's relative, as defined by ORS 215.283(1)(e), or farm help may be allowed if the primary farm dwelling meets the criteria in 54.050 and 54.060(B)(1)-(4), and the accessory dwelling meets the following criteria:

1. The accessory farm dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, and whose seasonal or year-round assistance in the management of the farm (e.g. planting, harvesting, marketing or caring for livestock) and consequent residence on

the property is or will be required by the farm operator (the farm operator is the person who does the work and makes the day to day decisions).

2. There is no other dwelling on lands designated for exclusive farm use owned by the farm operator, that is vacant or currently occupied by persons not working on the subject farm or ranch, and that could reasonably be used as an accessory farm dwelling.

3. The proposed accessory dwelling will be located either:

   a. On the same parcel as the primary farm dwelling (i.e. the farm operator's dwelling); or

   b. On the same tract as the primary farm dwelling when the lot or parcel on which the accessory farm dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

   c. On a lot or parcel in the same tract, but other than the lot or parcel on which the primary farm dwelling is located, when the accessory farm dwelling is limited to only a manufactured dwelling with a deed restriction. The deed restriction shall be filed with the County Clerk and require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party. The manufactured dwelling may remain if it is re-approved under these rules.

4. Except as provided in part 6 of this subsection, the tract on which the accessory farm dwelling and primary farm dwelling are to be located passes the income test as described in 54.060(B)(5)(b).

5. The lot or parcel which the accessory farm dwelling will be placed shall be at least 20 acres in size.

6. An accessory farm dwelling for a farm operator's relative, shall be reviewed according to the Type I review procedure and does not need to meet the income test described in part 4 of this subsection.

54.070 - NON-FARM DWELLINGS

A. REVIEW PROCESS Review of applications for a dwelling not in conjunction with farm use shall be processed consistent with Article 44 and reviewed according to the Hearings Officer Review procedure (Article 24).

B. REVIEW CRITERIA All applications for non-farm dwellings will be reviewed against the criteria enumerated in 54.050 as well as the following criteria (1 through 8), and may be approved only if all criteria are met (the applicant for the non-farm dwelling shall provide documentation showing the proposed dwelling meets the review criteria):

1. The proposed dwelling and activities associated with the dwelling will not force a significant change in or significantly increase the cost of accepted farming or forest practices on nearby lands devoted to farm or forest use;

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

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

3. The dwelling is compatible with farm uses, does not seriously interfere with accepted farming practices on nearby lands devoted to agricultural use (as defined in ORS 215.203(2)), and is consistent with state agricultural land-use policy (set forth in ORS 215.243), which is designed to conserve agricultural lands;

4. The dwelling will be sited on a lot or parcel created before January 1, 1993; or the lot or parcel was created after January 1, 1993 pursuant to the procedure for land partitions in EFU zones established in ORS 215.263(5);

5. The dwelling does not materially alter the stability of the overall land use pattern of the area when considering the cumulative impact of non-farm dwellings on other lots or parcels in the area;

6. If the parcel is under forest assessment:

   a. A lot or parcel or portion of a lot or parcel shall not be considered unsuitable solely because it is too small to be managed for forest production profitably by itself. If a lot or parcel under forest assessment can be sold, leased, rented or otherwise managed as a part of a forestry operation it is not "generally unsuitable." A lot or parcel is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year.

   b. The proposed dwelling must be compatible with, and must not seriously interfere with, forest practices as described in ORS 527.620(6); and

   c. The proposed dwelling must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land.

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

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

1. Demonstrate removal of tax deferral. Before a building permit is issued, the owner/applicant shall produce written evidence from the County Assessor's Office that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid. ORS 215.213, 215.236, 215.263. ORS 308A.050 to 308A.128. ORS 308A.315, 321.257 to 321.390, 321.730 or 321.815.

2. Record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.

54.080 - LOT OF RECORD DWELLINGS IN EFU ZONES

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

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

1. The lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985; and

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

3. The tract on which the proposed dwelling will be sited does not already contain a dwelling; and

4. The lot or parcel on which the dwelling will be sited *is not* high-value farm land.

C. LOT OF RECORD DWELLINGS ON HIGH-VALUE FARMLAND - The County may allow the establishment of a single-family dwelling not in conjunction with farm use on high-value farmland if, in addition to meeting the requirements of LDC 54.080(A) and 54.080(B), the County finds that:

1. The lot or parcel is high-value farmland; and

2. A hearings officer of the Oregon Department of Agriculture, under the provisions of ORS 183.413 to 183.497 determines that:

   a. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and

   b. The dwelling will comply with the provisions of ORS 215.296(1); and

   c. The dwelling will not materially alter the stability of the overall land use pattern in the area.

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

1. Demonstrate removal of tax deferral. Before a building permit is issued, the owner/applicant shall produce written evidence from the County Assessor's Office that the lot or parcel upon which the dwelling is proposed has been disqualified for special assessment at value for farm use and that any additional tax or penalty imposed by the County Assessor as a result of disqualification has been paid. ORS 215.213, 215.236, 215.263. ORS 308A.050 to 308A.128. ORS 308A.315, 321.257 to 321.390, 321.730 or 321.815.

2. The applicant shall record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.

3. If the lot or parcel on which the proposed dwelling will be sited is part of a tract, the remaining lots or parcels in the tract are consolidated into a single lot or parcel;

4. If the lot or parcel on which the dwelling will be sited lies within an area designated in the acknowledged comprehensive plan as habitat of big game, the siting of the dwelling is made consistent with limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

54.090 - LAND DIVISIONS IN EFU ZONES

Land divisions shall be processed and reviewed consistent with Articles 45 and 46. Use must be established along with parcel creation. In addition to review criteria contained in Section 45.040 the following criteria shall apply:

A. Agricultural divisions
   1. Parcel size:
      a. EFU-C Parcels are at least 80 acres in size.
      b. EFU-CG Parcels are at least 80 acres in size.
      c. EFU-G Parcels are at least 160 acres in size.

   2. The parcels are of sufficient size and configuration such that they are efficient for agricultural use employing accepted farming practices;

   3. The land division will not materially alter the stability of the overall land use pattern in the area.

B. Non-agricultural divisions for *non-farm uses*
   Creation of parcels less than the minimum size shall be non-agricultural divisions.
   1. A land division for any use enumerated in section 54.030 may be approved provided that the proposed parcel is not larger than the minimum size necessary to accommodate the proposed use, and the parcels are designed to utilize land generally unsuitable for the production of crops or livestock.

C. Non-agricultural divisions for *non-farm dwellings*
   Creation of parcels less than the minimum size shall be non-agricultural divisions.
   1. A parcel zoned EFU, larger than the minimum lot size established by Section 54.090, may be divided to create up to two new parcels smaller than the minimum lot size, each to contain a dwelling not provided in conjunction with farm use if:

      a. The non-farm dwellings have been approved under Section 54.070;

      b. The parcel to be divided was lawfully created prior to July 1, 2001;

      c. The remainder of the lot or parcel that does not contain the non-farm dwellings still complies with the minimum lot size under Section 54.090, after the division; and

d. The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

2. A parcel zoned EFU, equal to or less than the minimum lot size established by Section 54.090, but at least 40 acres in size, may be divided into two parcels, each to contain a dwelling not provided in conjunction with farm use if:

   a. The non-farm dwellings have been approved under Section 54.070;

   b. The parcel to be divided was lawfully created prior to July 1, 2001;

   c. The parcels for the non-farm dwellings are not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and are either composed of at least 90 percent Class VII & VIII soils, or composed of at least 90 percent Class VI through VIII soils and are not capable of producing adequate herbaceous forage for grazing livestock;

   d. The parcels for the non-farm dwellings do not have established water rights for irrigation; and

   e. The parcels for the non-farm dwellings are generally unsuitable for the production of farm crops and livestock or merchantable tree species considering the terrain, adverse soil or land conditions, drainage or flooding, vegetation, location and size of the tract. A parcel may not be considered unsuitable based solely on size or location if the parcel can reasonably be put to farm or forest use in conjunction with other land.

54.100 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Parcel Size
   1. Exclusive Farm Use-Cropland (EFU-C) - 80 acres.

   2. Exclusive Farm Use-Cropland/Grazing (EFU-CG) - 80 acres.

   3. Exclusive Farm Use-Grazing (EFU-G) - 160 acres.

B. Building Heights and Setbacks - See Article 62

C. Fences, Walls and Screening - See Article 64

D. Landscaping - See Article 65

E. Signs - See Article 66

F. Parking - See Article 68

G. Access - See Article 71

ARTICLE 55
FORESTRY (F)

55.010 - PURPOSE

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

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

55.020 - OUTRIGHT USES

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

A. Forest operations, defined as any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620(6), including, but not limited to, reforestation of forest land, road construction and maintenance, harvest of a forest tree species, application of chemicals, and disposal of slash where such uses pertain to commercial forest activity;

B. Temporary on-site structures and physical alterations to the land that are auxiliary to and used during the term of a particular forest operation or practice. Alterations include but are not limited to those made for the purposes of mineral exploration, mining, gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

C. For the purposes of this subsection, "auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, is temporary in nature, and is not designed to remain for the forest's entire growth cycle. An auxiliary use is removed when a particular forest practice has concluded.

D. Uses to conserve soil, air and water quality, and to provide for vegetation, fish and wildlife resources;

E. Farm use as defined in ORS 215.203.

F. Local distribution lines (e.g. electric, telephone, natural gas) and accessory equipment (e.g. electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals) or equipment that provides service hookups, including water hookups.

G. Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

H. Water intake facilities, canals, and water distribution lines for farm irrigation and ponds.

55.030 - PERMITTED USES

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

A. Temporary portable facilities for the primary processing of forest products;

B. Towers and fire stations for forest fire protection;

C. Caretaker residences for public parks and public fish hatcheries;

D. Uninhabitable structures accessory to fish and wildlife management;

E. Temporary forest labor camps;

F. Alteration, restoration, or replacement of lawfully established dwellings, provided such dwellings have intact exterior walls and roof structure; indoor plumbing consisting of a kitchen, sink, toilet and bathing facilities connected to a sanitary disposal system; interior wiring for interior lights; and a heating system. In the case of replacement, the original dwelling must be removed, demolished, or converted to an allowable non-residential use within three months of the completion of the replacement dwelling.

G. Widening of public roads within existing rights-of-way in conformance with the transportation element of the County Comprehensive Plan, including public road and highway projects as described in ORS 215.213(1)(m)-(p) and 215.283(1)(k)-(n).

H. Destination Resorts that meet the criteria of and follow the review process established in Article 88 of this Code. Destination Resorts are limited to areas designated in the ordinance as appropriate for this purpose.

I. Exploration for, and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

55.040 - CONDITIONAL USES

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

A. Permanent facilities for the primary processing of forest products;

B. Permanent facilities for logging equipment repair and storage;

C. Log scaling and weigh stations;

D. A solid waste disposal site approved by the governing body of a city or county or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation;

E. Private parks and campgrounds. Campgrounds in private parks shall only be those allowed by this subsection. Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR Chapter 660 Division 4. For the purposes of this Article a campground is an area devoted to overnight temporary use for vacation, recreation or emergency purposes but is not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreation use by occupants of the campground. A campground shall be designed and integrated into the rural agriculture and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites. Campsites may be occupied by a tent, travel trailer or recreational vehicle. Separate sewer, water, or electric service hookups shall not be provided to individual campsites. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.

F. Mining and processing of oil, gas or other subsurface resources as defined in ORS Chapter 520 and not otherwise permitted in Section 55.030(G) (such as compressors, separators, and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517;

G. Television, microwave and radio communication facilities and transmission towers;

H. Fire stations for rural fire protection;

I. Utility facilities for the purpose of generating power. A power generation facility shall not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4;

J. Aids to navigation and aviation;

K. Water intake facilities, related treatment facilities, pumping stations, and distribution lines;

L. Reservoirs and water impoundments;

M. Firearms training facility;

N. Cemeteries;

O. Private, seasonal accommodations for fee hunting and fishing where:

1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and

2. Only minor incidental and accessory retail sales are permitted; and

1. Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Department of Fish and Wildlife Commission; or

4. Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission and are located within 1/4 mile of fish bearing Class I waters; and

5. The County may impose other appropriate conditions.

P. New electric transmission lines with rights-of-way 100 feet or less in width as specified in ORS 772.210.

Q. New distribution lines for gas, oil, or geothermal with rights-of-way 50 feet or less in width;

R. Temporary asphalt and concrete plants as accessory uses to specific highway projects;

S. Home occupations as allowed under Article 85 of this Code;

T. A manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative as defined in ORS 215.213 and 215.283. The manufactured dwelling shall use the same subsurface sewage disposal system used by the existing dwelling, and that disposal system must be adequate to accommodate the additional dwelling. If the mobile home will use a public sanitary sewer system, such condition will not be required. Within three months of the end of the hardship, the manufactured dwelling shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to a

non-residential use. A temporary residence approved under this subsection is not eligible for replacement. The temporary use permit shall be reviewed yearly as required by LDC Article 42. When the hardship ends, the manufactured dwelling shall be removed. Oregon Department of Environmental Quality review and removal requirements shall also apply to such manufactured dwellings.

U. Expansion of existing airports;

V. Public road and highway projects as described in ORS 215.213(2)(q)-(s) and 215.283(2)(p)-(r);

W. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

X. Youth Camps (See Section 55.095)

55.050 - CONDITIONAL USE CRITERIA

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

A. The proposed use will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan, its policies or land use regulations; and

B. The proposed use is in conformance with all standards and criteria of this Code, notably Article 57;

C. The location, size, design, and operating characteristics of the proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forestry practices on nearby agricultural or forest lands;

D. A written covenant will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code.

E. The proposed use will not significantly increase fire hazards or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel;

F. The use complies with other conditions as the review authority considers necessary.

55.060 - GENERAL REVIEW CRITERIA FOR FOREST ZONE DWELLINGS

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

A. The lot or parcel upon which the dwelling will be placed was legally created; and

B. The tract on which the proposed dwelling will be sited does not contain a dwelling and no other dwelling has been approved for other lots or parcels in the tract, and no deed restrictions exist on any parcels in the tract that preclude said parcel from development or from being used to total the required acreage. Large ownership dwellings as set forth in 55.090 are excluded from this requirement. A tract is defined as one or more contiguous lots or parcels in the same ownership. Contiguous means connected in such a manner as to form a single block of land; and

C. Approval of the dwelling will not exceed the facilities and service capabilities of the area. The proposed dwelling site:

1. shall obtain approval for on-site sewage disposal and

2. will be adequately served by road access. Roads must meet the fire protection standards of Article 69. In addition, if road access to the proposed dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance; and

3. shall be developed pursuant to the siting and development standards of LDC Article 69, Rural/Wildland Fire Safety Standards, and the parcel upon which the proposed dwelling is to be located shall be within a rural fire protection district or the proposed resident must prove proof of a contract for residential fire protection; and

4. must be served by a domestic water supply from a source authorized by the state Water Resources Department, and not from a Class II stream as designated in the Forest Practices Rules (OAR Chapter 629). The applicant shall provide proof to the Planning Department that this requirement can be met. Evidence of domestic water supply may consist of:

   a. verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

   b. a water use permit issued by the Water Resources Department for the use described in the application; or

   c. verification from the Water Resources Department that a water use permit is not required for the use described in the application.

d. if the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.

D. Approval of the dwelling will not create conditions or circumstances that the County determines would be contrary to the purposes or intent of its acknowledged comprehensive plan or land use regulations; and

E. The dwelling and its placement are in conformance with all required standards and criteria of County code; and

F. Approval of the dwelling will not materially alter the stability of the overall land use pattern in the area when considering the cumulative impact of dwellings on other lots or parcels in the area; and

G. SITING REQUIREMENTS - The dwelling and accessory structures are sited on the parcel such that the building site selected will substantially satisfy each of the following criteria:

1. Have the least impact on nearby or adjoining forest or farm lands; and

2. Ensure that adverse impacts on forest operations and accepted farming practices on the tract will be minimized; and

3. Minimize the amount of forest lands used to site roads, service corridors, dwellings and structures; and

4. Minimize risk associated with wildfire.

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

1. The Planning Director or his/her designee shall check the Division of State Lands' most current wetlands inventory maps, and determine if the site proposed for development may have a wetland located on it. If it is determined that a NWI-recognized wetland may be located on a site proposed for development, the Planning Director or his/her designee shall notify the Division of State Lands. A copy of this letter shall be sent to the applicant. DSL has 30 days to comment, beginning on the day notification is sent. A final decision on the application cannot be rendered until the 30 day comment period has expired; and

2. The applicant shall record a written statement with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act (see ORS 30.930 and ORS 93.040), and provide evidence to the Planning Department of such action.

3. The owner of the property shall plant a sufficient number of trees on the tract so that the tract may reasonably be expected to meet state Department of Forestry stocking requirements. The Planning Department shall notify the County Assessor once the above condition has been met. This notification shall be considered sufficient for tentative approval of the dwelling. Final approval is reserved for such time when the applicant submits a stocking survey report to the County Assessor and the County Assessor verifies that the minimum stocking requirements adopted under ORS 527.610 to 527.770 have been met by the time required by Department of Forestry rules. The County Assessor shall then notify the Department of Forestry, which shall proceed to verify that stocking requirements have been met. If stocking requirements are determined not to have been met, the land will be considered not qualified for forest tax deferral pursuant to ORS 321.359, and tax liability will subsequently be imposed by the County Assessor; and

4. The applicant must submit the appropriate documentation required in 55.060(C) above.

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

6. The use complies with other conditions as the review authority considers necessary.

55.070 - LOT OF RECORD DWELLINGS IN FOREST ZONES

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

B. REVIEW CRITERIA - In addition to the criteria enumerated in Section 55.060, all applications for Lot of Record dwellings will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if the following criteria are met:

1. The lot or parcel upon which the dwelling will be placed was legally created before January 1, 1985; and

2. The lot or parcel was acquired by the present owner prior to January 1, 1985 or was acquired by the present owner by devise or by intestate succession from a person who acquired the lot or parcel prior to January 1, 1985. For the purposes of Lot of Record dwellings, "owner" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a

business entity owned by any one or combination of these family members; and

3. The tract on which the proposed dwelling will be sited does not already contain a dwelling, and no other dwellings have already been permitted for lots or parcels in that tract; and

4. The tract on which the dwelling will be sited is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species; and

5. On a tract in Eastern Oregon that is composed of soils not capable of producing 4,000 cubic feet per year of commercial tree species and is located within 1,500 feet of a public road as defined under ORS 368.001 that provides or will provide access to the subject tract. The road shall be maintained and either paved or surfaced with rock and shall not be:

   a. A United States Bureau of Land Management road; or

   b. A United States Forest Service Road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowner adjacent to the road, a local government or state agency.

C. APPROVAL CONDITIONS -- Before final Planning Department approval can be granted for any Lot of Record dwelling, the following conditions must be met:

1. If the lot or parcel on which the proposed dwelling will be sited is part of a tract, the remaining lots or parcels in the tract are consolidated into a single lot or parcel.

2. The applicant shall notify the County Assessor that the lot or parcel is no longer being used as forestland. The applicant must request that the County Assessor disqualify the lot or parcel for special assessment under ORS 308.370, ORS 308.765, 321.352, 321.730 or 321.815, and provide evidence to the Planning Department that the entire parcel has been disqualified true cash value under ORS 308.765, 321.352, 321.730 or 321.815. Evidence shall consist of written notice from the County Assessor of: 1) the disqualification for valuation at true cash value for forest use and 2) payment of any additional taxes and penalties due under ORS 215.236(6)(c).

3. When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulation intended to protect the habitat are based.

55.080 - 160-ACRE TEMPLATE DWELLINGS

A. REVIEW PROCESS - Review of applications for 160-Acre Template Dwellings shall be reviewed in accordance with Article 44 and the Hearings Officer Review procedure of Article 24 and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.

B. REVIEW CRITERIA - In addition to the criteria enumerated in Section 55.060, all applications for 160-Acre Template Dwellings will be reviewed against the following criteria. The County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if the following criteria are met:

1. The tract on which the proposed dwelling will be sited does not already contain a dwelling, and no other dwellings have already been permitted for lots or parcels in that tract;

2. Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements; and

3. THE TEMPLATE TEST - A template, with an internal area of 160 acres (at the same scale as the map) shall be laid upon a map, which includes the lot or parcel, and shall be centered on the center of the subject tract. The shape and alignment of the template varies depending on conditions outlined in 55.080(B)(2)(d). In order to satisfy the template test, the required number of dwellings must be located on parcels encompassed or partly encompassed by the template. The dwellings themselves may be located outside the template.

   a. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 0 to 20 cubic feet of wood fiber per acre per year (defined in OAR 660-06-005(2)), the template must encompass:

      1) All or part of at least three other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and

      2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.

   b. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing 21 to 50 cubic feet of wood fiber per acre per year, the template must encompass:

      1) All or part of at least seven other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and

2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.

c. If the lot or parcel upon which the dwelling will be placed is predominantly composed of soils that are capable of producing more than 50 cubic feet of wood fiber per acre per year, the template must encompass:

1) All or part of at least eleven other lots or parcels which existed on January 1, 1993 within a 160-acre template centered on the center of the subject tract; and

2) At least three dwellings on other lots or parcels within the template which existed on January 1, 1993 and continue to exist.

d. TEMPLATE SHAPE AND ALIGNMENT The template used shall in all cases be a 160 acre square (dimensions 1/2 mile by 1/2 mile) centered on the center of the subject tract, unless:

1) The tract abuts a road that existed on January 1, 1993. In this case a rectangular template, described below, **may** be used in place of the square template.

2) The tract is 60 acres or larger and abuts a road or perennial stream. In these cases a rectangular template **must** be used in place of the square template. This rectangular template shall be of dimensions 1/4 mile by 1 mile, centered on the center of the subject tract and to the maximum extent possible aligned with the road or stream.

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

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

2) If a road crosses the subject tract at least one of the three required dwellings will be on the same side of the road as the proposed dwelling.

C. APPROVAL CONDITIONS - Before final Planning Department approval for a Template Dwelling can be granted, the owner must submit proof of non-revocable deed restrictions recorded in the deed records for the parcels and lots comprising the tract. The deed restrictions shall preclude all future rights to

construct a dwelling on the tracts or to use the tracts to total acreage for future siting of dwellings for present and any future owners unless the tract is no longer subject to protection under goals for agricultural lands or forestlands.

55.090 - LARGE OWNERSHIP DWELLINGS

A. REVIEW PROCESS - Review of applications for large ownership dwelling permits shall be subject to the Type II Administrative Review procedure and the site plan review of Article 41, and all other applicable standards, criteria, rules, and statutes governing dwelling placement.

B. REVIEW CRITERIA - the County may allow the establishment of a single-family dwelling on a lot or parcel in a Forestry zone if, in addition to meeting all of the criteria enumerated in 55.060, the tract on which the dwelling will be placed contains at least 240 contiguous acres, except as provided in part C of this section.

C. An owner of non-contiguous tracts that are 1) in Klamath County or 2) in Klamath County and in Jackson, Douglas, Lane, Deschutes and/or Lake County; that are zoned Forestry, may add together the acreage of two or more tracts to total 320 acres or more to establish a forest dwelling, if the following conditions (1-3) are met:

    1. Approval for a forest dwelling under this sub-section is subject to the Conditional Use Permit process of Article 44.

    2. The criteria enumerated in section 55.060 shall apply.

    3. Pursuant to OAR 660-006-0027, for all non-contiguous lots, parcels or tracts used to meet the 320 acre minimum requirement, the covenants, conditions & restrictions form adopted as “Forest Dwelling Exhibit A” must be recorded with the county clerk of the county or counties where those lots, parcels or tracts are located. This must be done prior to the final approval of the forest dwelling.

55.095 – YOUTH CAMPS

A. A youth camp may be established in compliance with the provisions of this rule. The purpose of this rule is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment.

B. The provisions of this rule shall not apply to youth camps established prior to January 2002.

C. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility.

D. An application for a proposed youth camp shall comply with the following:

1. The number of overnight camp participants that may be accommodated shall be determined by the governing body, or its designate, based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by subsection (D)(2) of this rule a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff.

2. The governing body, or its designated may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under subsection (D)(1) of this rule.

3. Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp.

4. The provisions of OAR 660-006-0025(5)(a).

5. A campground as described in ORS 215.283(2)(c), ORS 215.213(2)(c), and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp.

6. A youth camp shall not be allowed in conjunction with an existing golf course.

7. A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties.

E. The youth camp shall be located on a lawful parcel that is:

1. Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel of at least 80 acres.

2. Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

    a. The proposed setback will prevent conflicts with commercial resource management practices;
    b. The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and
    c. The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

3. Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the governing body or its designate shall verify that a proposed youth camp will not result in the need for a sewer system.

F. A youth camp may provide for the following facilities:

1. Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use.

2. Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants.

3. Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters.

4. Up to three camp activity buildings, not including primary cooking and eating facilities.

5. Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals.

6. Covered areas that are not fully enclosed.

7. Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant.

8. An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.).

9. A caretaker's residence may be established in conjunction with a youth camp prior to or after the effective date of this rule, if no other dwelling exists on the subject property.

G. A proposed youth camp shall comply with the following fire safety requirements:

1. The fire siting standards in OAR 660-006-0035;

2. A fire safety protection plan shall be developed for each youth camp that includes the following:

   a. Fire prevention measures;
   b. On site pre-suppression and suppression measures; and
   c. The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

3. Except as determined under subsection (7)(d) of this rule, a youth camp's on-site fire suppression capability shall at least include:

   a. A 1,000-gallon mobile water supply that can access all areas of the camp; and
   b. A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; and
   c. A sufficient number of fire fighting hand tools; and
   d. Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

4. An equivalent level of fire suppression facilities may be determined by the governing body, or its designate. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression

agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider.

5. The provisions of OAR 660-006-0031(7)(d) may be waived by the governing body, or its designate, if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

H. The governing body, or its designate, shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

I. Nothing in this rule relieves governing bodies from complying with other requirements contained in the comprehensive plan or implementing land use regulations such as the requirements addressing other resource values (e.g. Goal 5) which exist on forest lands.

55.100 - LAND DIVISIONS IN FOREST ZONES

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

A. Forest use divisions:

1. The parcels created shall be no less than 80 acres; and
2. The proposed division is consistent with the forest use policies of the Comprehensive Plan; and
3. The proposed division does not materially alter the stability of the overall land use pattern in the area; and
4. The proposed division provides for resultant parcels of sufficient size to ensure that forest uses and practices may take place in a cost effective manner.

B. Non-forest use divisions: new land divisions less than 80 acres in size may be approved only for uses listed in Section 55.030(H) through (I) of this Code, and for uses listed in Section 55.040(A) through (N) of this Code provided that such uses have been approved pursuant to Section 55.050 of this Code. Such divisions shall create a parcel that is the minimum size necessary for use.

C. Notwithstanding Section 55.100 (B), a lot or parcel may be divided into lots smaller than the minimum lot size if the conditions (1-5) are met:

1. At least two dwellings lawfully existed on the lot or parcel prior to November 4th, 1993;
2. Each dwelling complies with the criteria for a replacement dwelling under Section 54.020 (K);
3. Except for one lot or parcel, each newly created parcel is between two and five acres in size; and
4. At least one dwelling is located on each newly created lot or parcel.
5. Each dwelling must have separate septic approval.

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

55.110 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Parcel Size --see 55.100

B. Building Heights and Setbacks - See Article 62

C. Fences, Walls and Screening - See Article 64

D. Landscaping - See Article 65

E. Signs - See Article 66

F. Parking - See Article 68

G. Access - See Article 71

ARTICLE 55.2
FORESTRY/RANGE (FR)

55.210 - PURPOSE

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

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

55.220 - APPLICATION

The Forestry/Range zone includes lands of mixed farm and forestry uses. Criteria, standards, and procedures for development and land partitioning shall be determined based on tax status, soil class, existing parcel size, predominant land use as of January 1, 1993, and Goal 5 constraints.

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

55.230 - PROCEDURE

The county shall assign the tract to either Article 54 or Article 55 based on the following:

A. If the tract was under farm deferral as of January 1, 1993, then Article 54 applies; or

B. If the tract is not under farm deferral then Article 55 applies unless the following conditions are met, then Article 54.070 (Non-Farm Dwelling) shall apply:

   1. The tract is predominantly made up of class VII soils;
   2. The tract is less than 80 acres; and
   3. The tract is not within big game habitat.

55.250 - LAND DIVISIONS IN FORESTRY/RANGE ZONES

Land divisions shall be processed and reviewed consistent with Articles 45 and 46. In addition to review criteria contained in Section 45.050, the following criteria shall apply:

A. MINIMUM LOT SIZE - The minimum lot size is 80 acres.

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

55.260 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Parcel Size --see 55.250

B. Building Heights and Setbacks - See Article 62

C. Fences, Walls and Screening - See Article 64

D. Landscaping - See Article 65

E. Signs - See Article 66

F. Parking - See Article 68

G. Access - See Article 71

ARTICLE 56
NON-RESOURCE (NR)

56.010 - PURPOSE

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

56.020 - PERMITTED USES

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

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

56.030 - CONDITIONAL USES

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

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

56.040 - PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size - 20 acres.

B. Lot Size and Shape - See Article 61

C. Building Heights and Setbacks - See Article 62

D. Fences, Walls and Screening - See Article 64

E. Landscaping - See Article 65

F. Signs - See Article 66

G. Parking - See Article 68

H. Access - See Article 71

ARTICLE 56.2
OPEN SPACE AND CONSERVATION
(OS&C)

56.210 – PURPOSE

The purpose of the open space and conservation zone is to protect designated areas of scenic and natural resources; to restrict development from areas with fragile, unusual, or unique qualities; to protect and improve the quality of the air, water and land resources; and to plan development so as to conserve open space. On private lands, this zone shall be applied only to property owned by nonprofit organizations dedicated to the protection of areas with fragile or unique scenic or natural qualities.

56.220 - PERMITTED USES

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

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

State: Wildlife Management Areas

Private: Lands owned by nonprofit organizations dedicated to conservation purposes

56.230 - PROPERTY DEVELOPMENT STANDARDS

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

56.240 - BUILDINGS AND STRUCTURES

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

A. The use is compatible with open space and conservation values embodied in the Comprehensive Plan;

B. The use will not interfere seriously with accepted farm and forest practices on adjacent lands devoted to those uses;

C. The use will not materially alter the stability of the overall land use pattern of the area and is located in a manner harmonious with its surroundings; and

D. The use is sited so as to not interfere with fish and wildlife habitat; and

E. Complies with such other conditions as the review body considers necessary based on findings supported by substantial evidence in the whole record.

ARTICLE 56.4
TRAIN PARK ZONE (TRP)

56.410 - PURPOSE

The purpose of the Train Park Zone is to provide for:

A. Miniature Railroad Support Area for activities needed to create and maintain the Miniature Railroad Museum, Railroad Educational Facilities and the multi-use Railroad Park.

56.415 – MINIATURE RAILROAD SUPPORT AREA

A Train Park Zone can be established to allow a Miniature Railroad Support Area where:

A. The applicant owns an existing miniature railroad with at least 5 miles of track.

56.420 – OUTRIGHT USES

Any Outright Uses allowed in a Forestry Zone as defined in 55.020.

56.430 – PERMITTED USES

A. Railroad/Train Park
B. Community Park
C. Miniature Railroad facilities
D. Custom/General Miniature Railroad manufacturing, servicing, warehousing, storage, distribution, and repair facilities.
E. Miniature Railroad Track and switch manufacturing and repair train storage
F. Train Storage
G. Museum & Museum Store
H. Picnic Shelters
I. Office Space
J. Community Assembly
K. Schools
L. Campgrounds
M. RV Parks
N. Restroom, Laundry, and Shower facilities
O. Accessory Buildings and Uses
P. Maintenance, Repair, and Storage of Equipment used to support Forestry and Miniature Railroading
Q. Parking Spaces
R. Food & Beverage Sales and Service
S. Full Sized Rail Equipment Restoration and Interpretation facilities
T. Community Water Systems

U. Community Sewage Systems
V. Private Accommodations for visiting miniature railroaders where accommodations are occupied temporarily for the purpose of enjoying or supporting miniature railroad events
W. Burn Pits
X. Caretaker / Worker Residential
Y. Uses determined by the Planning Director to be similar to those listed in this section to serve the miniature railroading recreational, public, and travel needs of the community and surrounding areas

56.440 – CONDITIONAL USES

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

A. Emergency Services
B. Fire stations for rural fire protection

56.450 – PROPERTY DEVELOPMENT STANDARDS

A. Minimum Lot Size – 2 acres
B. Lot Size and Shape – See Article 61
C. Building Heights and Setbacks – See Article 62
D. Fences, Walls and Screening – See Article 64
E. Landscaping – See Article 65
F. Signs – See Article 66
G. Parking – See Article 68
H. Access – See Article 71
I. Building size may not exceed 10,000 sqft

ARTICLE 57
SIGNIFICANT RESOURCE OVERLAY (SRO)

57.010 - PURPOSE

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

57.020 - DEFINITIONS

"1-A" Refers to resources which, based on information concerning the location, quality, and quantity of the resource site, were determined not to be important enough to warrant inclusion on the plan inventory or are not required to be included in the inventory based on the specific Goal standards.

"1-B" Refers to a special category of sites in the inventory that have information indicating the possible existence of a resource but where the information is inadequate to identify with particularity the location, quality, and quantity of the resource site.

"1-C" Refers to resources which, based on information concerning the location, quality and quantity of the resource site, are considered to be significant, and are described in the Comprehensive Plan Goal 5 Element and/or identified on the Goal 5 Significant "1-C" Resource Map.

"2-A" Refers to "1-C" resources where: 1) no conflicting uses were identified; and 2) where policies and ordinance provisions were adopted to insure preservation of the resource site.

"3-A" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be of great significance and shall be preserved, regardless of any affects of such preservation on the conflicting uses.

"3-B" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be significant, but as a result of analysis of the economic, social, environmental and energy consequences contained in the Comprehensive Plan, any conflicting use is to be allowed, regardless of any possible impacts on the resource.

"3-C" Resources so designated in the Comprehensive Plan Goal 5 Element are considered to be significant, and conflicting uses to the resource shall be limited in order to protect the resource from irreparable harm.

57.030 - APPLICATION

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

A. All land uses, developments and associated activities which represent actual or potential conflicting uses to a resource as identified in Section 57.040 shall be processed as conditional uses unless otherwise specified.

   1. Uses identified as a permitted use in the underlying zone shall be reviewed solely against the standards and criteria of this article.
   2. Uses identified as a conditional use in the underlying zone shall be reviewed against the standards and criteria of this article in addition to all other applicable standards and criteria of this code.
   3. The siting of a residential dwelling when located inside a Big Game Habitat mapped "Impacted Area"; and, when substantial proof is provided showing standards enumerated in Article 57.070(C)(2)(D), (E), & (F) can be met without the application of a Conditional Use Permit and standards enumerated in Article 57.060.

B. All land divisions in big game habitat shall comply with the standards enumerated in Section 57.070;

C. Accepted farm practices as defined by this code or forest practices regulated by the Oregon Forest Practices Act are exempt from the provisions of this article;

D. If an applicant for a development permit governed by this code believes that an identified "1-C" resource is not present on the site or is not affected by the development proposal, the applicant shall provide substantial evidence to the County prior to submitting an application demonstrating how this article does not apply. The Planning Director or his/her designee shall consult with appropriate resource management agencies and issue an order of determination pursuant to the Type II Administrative Review Procedure (Article 22).

57.040 - CONFLICTING USES

A. Mineral and Aggregate Resources

1. Dwellings
2. Manufactured dwelling or recreational vehicle parks
3. Schools and churches
4. Parks, campgrounds, hunting and fishing preserves
5. Community centers and recreation facilities

6. Motels or travelers' facilities
7. Public buildings

B. Bear Valley Wildlife Refuge

1. Within the Core Area and Primary Buffer Area
   a. Forest management activities inconsistent with interagency Bald Eagle Management Guidelines and not regulated by the Oregon Forest Practices Act
   b. Residential development and permanent structures
   c. Roads and highways
   d. Mining
   e. Discharge of pollution
2. Within the Secondary Buffer Area
   a. Residential development greater than 1 dwelling per 20 acres
   b. Commercial or industrial activities
   c. Schools and churches
   d. Electrical transmission lines
   e. Roads and highways
   f. Discharge of pollutants
   g. Forest management activities not regulated by the Oregon Forest Practices Act
   h. Mining between November and April
3. Within the Flyway
   a. Electrical transmission lines
   b. Residential development greater than 1 dwelling per 20 acres
   c. Commercial or industrial development

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

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

6. Water impoundments
7. Drainage or channelization

D. Big Game Winter Range

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

E. Historic Resources

1. Demolition or alteration

F. Archeological Resources

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

G. Wild and Scenic Waterways

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

57.050 - GENERAL REVIEW PROCEDURE

A. Where a decision has been made to protect a resource inventoried in the Comprehensive Plan from conflicting uses (a "3-A" decision), applicants must clearly demonstrate that the proposed use will not negatively impact the resource. Applications for a development permit shall be reviewed in the following manner:

1. The applicant shall submit a resource management plan meeting the requirements of subsection 4 of this section to the County.

2. Resource management agencies identified in Section 570.080 shall review the application against their plans, policies and programs for resource management and determine whether or not the development proposal complies or does not comply with their mandated plans, policies and programs for resource preservation.
3. If a resource management agency does not accept an applicant's resource management plan as adequate for preservation of the resource in question, the County shall deny the development permit application.
4. Resource management plans shall include the following elements:
   a. A detailed description of the development proposal including a description of all associated activities and operating characteristics of the use;
   b. A description of possible impacts (positive or negative) to the resource resulting from the proposed development;
   c. A description of the type, extent and location the of the resource involved;
   d. A written statement detailing the proposed strategy to preserve the identified resource. Such strategy shall include, but not be limited to:
      1) Restrictions on conflicting uses, and the means by which such restrictions will be enforced;
      2) The provision of buffer areas, and the means to enforce use limitations in the buffer areas;
      3) A mitigation program which considers alternatives to the proposed development and includes standards to assess the effectiveness of the mitigation effort;
      4) A monitoring plan for the site to assess long-term impacts from development activities, including indicator species or conditions that will allow for long-term monitoring;
      5) Special provisions such as conservation easements or land dedications.
   e. Documentation of sources relied upon in developing the management plan.

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

C. When a decision has been made to limit conflicting uses to a resource inventoried in the Comprehensive Plan (a "3-C" decision), applications for a development permit shall be reviewed in the following manner:
   1. A complete application including a detailed description of the development proposal which address the standards and criteria of this article shall be referred for comment to local, state or federal agencies having responsibility for resource management as identified in Section 57.090.

2. Resource management agencies may review the application against their plans, policies and programs for resource management and respond to the County as to how they believe the development proposal complies or does not comply with their plans, policies and programs, and does or does not comply with the applicable criteria and standards of this article.
3. The appropriate review body shall incorporate all comments, determinations and recommendations of resource management agencies into its decision, or shall make findings based on substantial evidence in the whole record why the agency comments, determinations and recommendations do not apply.

57.060 - GENERAL REVIEW CRITERIA

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

A. The resource site will not be altered or impacted to a degree that destroys its significance;

B. The proposed development will not result in the loss of habitat for threatened or endangered species of animals or plants as identified by the U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife or other appropriate state or federal agency;

C. All feasible alternatives to the development have been considered and rejected which would not result in a substantial adverse impact on an identified resource value;

D. The development is sited on the property in such a manner that minimizes adverse impacts on the identified resource; and

E. Documentation has been provided to the County regarding requirements for state or federal permits or licenses, and that appropriate resource management agencies have reviewed the development proposal against its plans, policies and programs.

57.070 - SPECIFIC DEVELOPMENT CRITERIA AND STANDARDS

A. Mineral and Aggregate Resources

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

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

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

1. Delineation of Riparian Areas of Concern - In order to protect, maintain and enhance the water quality and biological productivity of Class I streams and surface waters identified in the Comprehensive Plan, a riparian area of concern is designed as 100 feet from the ordinary high water line of Class I streams and surface waters. The riparian area of concern may be less upon a determination that the line of upland vegetation exists within 100 feet of the ordinary high water line.

2. Regulated activities in Riparian Areas of Concern

   a. Preservation of Vegetation. All trees and not less than 50% of the understory vegetation shall be preserved, unless the removal of dead, diseased or dying trees is required to prevent property damage or maintain navigation, or unless conducted in accordance with other provisions of this code.

   b. Discharge of pollution. Pollutants shall not be introduced into riparian areas or waterways. Uses and activities shall not have a significant adverse impact on water quality or the beneficial use of water by adjacent or downstream users. State and federal water quality laws and regulation shall be applied to determine compliance.

   c. Fill and removal, modification of stream channels. All activities shall be conducted in accordance with laws and regulations of appropriate state and federal agencies.

   d. Erosion control. Temporary measures such as sandbags, straw or other ground cover to retard sedimentation during construction shall be employed.

      Permanent erosion control measures shall be required for any activity, which generates chronic runoff or sedimentation into a riparian area of concern. All vegetation affected by construction shall be replaced immediately upon completion of construction.

3. Setbacks for development

   a. No permanent structure shall be placed within a riparian area of concern except as provided in this article.

   b. All subsurface sewage disposal systems shall be set back not less than 100 feet from the ordinary high water line of any identified water body or wetland.

4. Special exception/requirements – The following activities are exempt from the requirements of this article:

   a. Residential uses on a lot or parcel legally created prior to November 15, 1990. Structures and subsurface sewage disposal systems shall be setback from waterways the maximum amount practicable.

   b. Structures necessary and required to make use of a water right.

   c. Public works projects coordinated through responsible state or federal agencies having jurisdiction for resource management.

   d. Structural erosion control activities where no practicable non-structural alternative exists.

C. Big Game Habitat

1. Land Divisions – Minimum Parcel Size

   A) Deer

      1) 80 acres in Low – Medium Density Winter Range

      2) 160 acres in High Density Winter Range

   B) Antelope High Density Winter Range: 160 acres

   C) Elk

      1) 160 acres in Rocky Mountain High Density Winter Range

      2) 160 acres in Roosevelt Elk High Density Spring Range

      3) 160 acres in Roosevelt Elk High Density Winter Range

   D) Impacted Area

      1) The minimum parcel size will be the minimum parcel size of the underlying zone.

2. Residential Development Standards

   A. Residential home sites (including accessory buildings) fronting a public road may be permitted if:

      1) Not more than 330 feet from an existing dwelling;

      or

      2) Not more than 150 feet from a side property boundary; and

      3) Not more than 100 feet from an existing public road.

B. Residential home sites (including accessory buildings) on a parcel in a mapped “impacted area” shall be sited using the Base Zoning setback standards.

C. Residential home sites (including accessory buildings) not fronting a public road and on a parcel not within a mapped “impacted area” may be permitted if:

1) Not more than 7 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of impacted (low-medium density) deer winter range; or

2) Not more than 3 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of important (high density) deer winter range; or

3) Not more than 3 other dwellings exist within a 640 acre square centered on the center of the subject parcel in mapped areas of Antelope High Density Winter Range or Rocky Mountain Elk High Density Winter Range or Roosevelt Elk High Density Spring Range or Roosevelt Elk High Density Winter Range.

D. Residential home sites (including accessory buildings) shall not be sited within a critical habitat area or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife, when the habitat area or migration corridor has been identified in the Comprehensive Plan.

E. Fencing provisions shall apply as a condition of approval for any new fences constructed as part of development of a property in conjunction with a conditional use permit or site plan review.

a. New fences on the perimeter of the property shall be designed to permit wildlife passage. The following standards and guidelines shall apply:

1. The distance between the ground and bottom strand or board shall be at least 16 inches.

2. The height of the fence shall not exceed 44 inches above ground level.

3. Smooth wire and wooden fence that allow passage of wildlife are preferred. Woven wire fences are discouraged.

b. Exceptions:

1. Fences around home sites designed to exclude wildlife from gardens, flowerbeds, orchards, etc., shall enclose no more than 1 acre.

2. Corrals used for working livestock.

F. Approval of a dwelling shall be conditioned upon the resident filing a statement with the property deed agreeing to control free-roaming dogs. Said agreement shall include a statement recognizing damage from wildlife may occur when siting a dwelling or accessory building in the Significant Resources Overlay.

G. Approval of a dwelling shall be conditioned upon applicant filing a restrictive covenant with the property deed agreeing to restrict off-road vehicle use from November to April. Farm or Forest tax deferred property is exempt from this covenant, but off-road use is limited to property management, and owner is required to show proof that property is in tax deferral, at time of development.

D. Geothermal Resources

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

E. Archeological Resources

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

F. Historic Resources

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

57.080 - INVENTORY AMENDMENT PROCEDURE

A. The purpose of this Section is to codify the procedure for adding a site to the appropriate Goal 5 inventory, determine the significance of the site, and apply Article 57 to the site.

B. The application shall be handled as an amendment to the Klamath County Comprehensive Plan and the zoning map, using the criteria set forth under Section 48.030 for quasi-judicial actions and Section 49.030 for legislative actions, and shall be subject to the criteria set out in Section 57.080(C), depending on the site and inventory.

C. All sites proposed for inclusion on a Goal 5 inventory as a significant resource with the Significant Resource Overlay Zone applied shall be submitted with the following information:

1. Complete tax account number and a map showing the boundaries of the site;
2. Detailed information on the quantity of the resource at the site;

3. Detailed information on the quality of the resource at the site;
4. A plot plan showing that the proposed site meets all applicable setbacks in the Klamath County Land Development Code as applicable;
5. Submit a detailed report of all potential and mapped conflicting uses as identified in Section 57.040, including, but not limited to, farm and forest uses, dwelling units and other significant natural, cultural and Goal 5 resources;
6. A submittal of findings that the proposed resource site meets and satisfies any applicable development and/or special use standards in this Code;
7. A submittal of findings that the proposed resource site meets the criteria set forth under Articles 48 or 49 of the Klamath County Land Development Code.

57.090 - RESOURCE MANAGEMENT AGENCIES

A. Mineral and Aggregate Resources

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

B. Bear Valley Wildlife Refuge

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

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

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

D. Upland Game Bird Sites

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

E. Raptor Nest Sites and Rookeries

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

F. Big Game

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

G. Natural Areas

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

H. Groundwater Resources

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

I. Geothermal Resources

1. Oregon Department of Energy

J. Historic Buildings and Sites

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

K. Archeological Resources

1. Klamath Tribe
2. Oregon State Historic Preservation Office

L. Wild and Scenic Waterways

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

ARTICLE 58
AIRPORT SAFETY OVERLAY - KINGSLEY FIELD (ASK)

58.010 - AIRPORT SAFETY ZONES DEFINED

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

A. Precision Instrument Runway Approach Zone - A surface 1,000 feet wide at the end of Runway 32 and expanding uniformly to a width of 16,000 feet 50,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.

B. Non-precision Instrument Runway Approach Zone - A surface 1,000 feet wide at the end of Runway 14 and expanding uniformly to a width of 3,500 feet 10,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.

C. Utility Runway Visual Approach Zone - A surface 500 feet wide at the end of Runway 7-25 and expanding uniformly to a width of 1,250 feet 5,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.

D. Transitional Zones - Surfaces extending outward and upward at 90-degree angles to the runway centerline at a slope of 7 to 1. Transitional zones for portions of the precision approach zones which, project through and beyond the limits of the conical surface extend 5,000 feet from the edge of the approach zones measured at 90-degree angles to the runway centerline.

E. Horizontal Zone - A surface established by swinging arcs of 10,000 feet radii from the centerline of each end of Runway 14-32, and connecting the arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

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

58.020 - USE RESTRICTIONS

A. Safety Hazards - No land use is permitted within any airport safety zone defined in Section 58.010 that;

1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;

2. Interferes with a pilot's ability to distinguish between airport lights and other lights; or

3. Results in glare in the eyes of pilots using the airport;

4. Impairs visibility of the airport by means of smoke or other visual impairments;

5. Attracts concentrations of birds within 10,000 feet of the airport; or

6. In any other way creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft using the airport.

B. Approach Safety Zone - On lands lying within approach zones defined in Section 58.020, the following restrictions shall apply:

1. All development shall be subject to a conditional use permit.

2. Uses determined by the review body as attracting large groups of people shall be prohibited.

3. Multifamily residences or any other group residential facility shall be prohibited.

4. Schools, hospitals, churches and similar civic uses defined by the review body shall be prohibited.

5. Single-family residences may be permitted at a density not greater than one dwelling per 5 acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on November 15, 1990 regardless of the property's size.

58.030 - HEIGHT LIMITATIONS

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

A. Precision Instrument Runway Approach Zone - The surface coincident with Runway 32 extending outward and upward at a slope of 50 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 10,000 feet outward along an extension of the runway centerline; thence extending outward and upward at a slope of 40 to 1 an additional 40,000 feet outward at a slope of 40 to 1 an additional 40,000 feet outward along an extension of the runway centerline.

B. Non-precision Instrument Runway Approach Zone - The surface coincident with Runway 14 extending outward and upward at a slope of 40 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 5,000 feet outward along an extension of the runway centerline.

C. Utility Runway Visual Approach Zone - This surface coincident with Runway 7-25 extending outward and upward at a slope of 20 to 1 beginning at the end of, and at the same elevation as, the primary runway surface and extending 5,000 feet outward along an extension of the runway centerline.

D. Transitional Zones - The surface extending outward and upward beginning at the side of and at the same elevation as, the primary runway surface and the approach zones, and extending to where it intersects the horizontal zone. Where the approach surfaces pass through the conical surface, the transitional zone shall be the surface extending outward and upward at a slope of 7 to 1 beginning at the sides of and at the same elevation as the approach zones and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, the transitional zone shall be the surface extending outward and upward at a slope of 7 to 1 beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending a horizontal distance of 5,000 feet outward measured at 90-degree angles to an extension of the run way centerline.

E. Horizontal Zone - An elevation of 4,242 feet above mean sea level, or 150 feet above the airport.

F. Conical Zone - The surface extending outward and upward at a slope of 20 to 1 beginning at the periphery of the horizontal zone and extending to an elevation of 4,442 feet above mean sea level, or 350 feet above the airport.

G. Applicable Height Limitation - Where an area may be subject to more than one height limitation, the more restrictive limitation shall apply.

ARTICLE 58.2
AIRPORT NOISE OVERLAY - KINGSLEY FIELD (ANK)

58.210 - APPLICATION

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

58.220 - PERMITTED AND CONDITIONALLY PERMITTED USES

If the boundaries of the airport noise overlying zone overlap any portion of a basic zone designation, then said portion shall be subject to the use limitations described by this article. In no case shall the airport noise overlay permit a more intensive use than that allowed by the basic zone designation.

A. Area Within the 65-70 Ldn Contours:

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

2. Conditionally permitted uses include single-family and multifamily residential uses, commercial uses, civic uses, offices, lodging, and sports arenas and stadiums in accordance with the basic zone designation.

3. Development provisions shall apply as conditions of approval for any residence or land division in conjunction with a conditional use permit or site plan review.

    a. Development of residential dwellings and land division shall include a written statement recorded with the deed which recognizes the existence of the Klamath Falls Airport and all present and future operational activities and practices. Said statement shall incorporate a health and safety agreement of *"no remonstrance/no complaint"*; and, the acceptance of present and future noise impact(s).

    b. Placement of a dwelling through the conditional use permit process may be permitted on a lot or parcel created regardless of property's size; unless, prohibited by the underlying land use zone.

B. Area Within the 70 and Greater Ldn Contour:

1. Permitted uses include golf courses, riding stables, water-bases recreation areas, cemeteries, industrial, and all agricultural uses in accordance with the basic zone designation.
2. Conditionally permitted uses include civic and commercial uses, offices, and lodging uses in accordance with the basic zone designation.
3. Prohibited uses include permanent residential, community education, religious assembly, cultural exhibits and library services, and any health care related use.

58.230 - MITIGATION OF NOISE IMPACTS

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

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

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

58.410 - AIRSTRIP SAFETY ZONES DEFINED

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

A. Primary Zone - A surface 500 feet in width centered on the runway and extending 220 feet beyond each end of the runway.

B. Horizontal Zone - A surface 150 feet above the airport elevation created by swinging arcs of 5,000 feet radii from the center of each end of the primary runway surface and connecting the adjacent arcs by lines tangent to the arcs.

C. Conical Zone - A surface extending 4,000 feet as measured radially from the horizontal surface outward and upward at a slope of 20 to 1.

D. Approach Zone - A surface the same width and elevation of the runway and expanding uniformly outward and upward at a slope of 20 to 1 to a width of 1,250 feet 5,000 feet from the end of the primary runway surface. The centerline of the surface is the continuation of the runway centerline.

E. Transitional Zone - All that land which lies directly under and imaginary surface extending outward and upward at right angles to the runway centerline and centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface. A surface extending outward and upward at right angles to the runway centerline at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.

58.420 - USE RESTRICTIONS

A. Safety Hazards - No land use is permitted within any airport safety zone defined in Section 58.410 that:

   1. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;

   2. Interferes with a pilot's ability to distinguish between airport lights and other lights;

3. Results in glare in the eyes of pilots using the airport;

4. Impairs visibility of the airport by means of smoke or other visual impairment;

5. Attracts concentrations of birds within 10,000 feet of the airport; or

6. In any other way creates a hazard or endangers the landing, takeoff, or maneuvering of aircraft using the airport.

B. Approach Zones - On lands lying within approach zones defined in Section 58.410, the following restrictions shall apply:

1. All development shall be subject to a conditional use permit.

2. Uses determined by the review body as attracting large groups of people shall be prohibited.

3. Multiple-family residences or any other group residential facility shall be prohibited.

4. Schools, hospitals, churches and similar civic uses as defined by the review body shall be prohibited.

5. Single-family residential may be permitted at a density not greater than one dwelling per 5 acres, except that a dwelling may be permitted on a lot or parcel lawfully existing on November l5, 1990 regardless of the property's size.

58.430 - HEIGHT RESTRICTIONS

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

ARTICLE 59
FLOOD HAZARD OVERLAY (FHZ)

59.010 - PURPOSE

The purpose of this overlay is to regulate the development of areas that are subject to flooding, erosion or similar hazards, in order to avoid or reduce losses to life and property.

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

59.020 - FLOOD HAZARD AREA DEFINED

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

59.025 - FLOOD HAZARD DETERMINATION

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

59.030 - INTERPRETING FLOOD MAPS

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

59.040 - DEVELOPMENT REQUIREMENTS

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

A. Normal Depth Analysis - A normal depth analysis or other equivalent engineering analysis may be required which demonstrates to the satisfaction of the Director of Public Works that no structure will be located within the floodway. The following information is required in order to determine the precise location of the floodway:

1. Plans drawn to an appropriate scale showing the location, dimensions, and elevation to the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway;

2. A typical valley cross-section showing the normal channel of the stream, elevation of the land areas enjoining 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; and

3. A profile, showing the slope of the bottom of the channel or flow line of the stream.

B. Structural Plan - Where information that proposed structures are located outside the floodway but within the flood fringe, a structural plan shall be provided for review and approval by the Building Official. The plan is to demonstrate that proposed structures are designed to withstand partial inundation, and that proposed use will not subject occupants to undue risk of flooding. Such structural plans shall include, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities. Site design standards, if necessary, shall be determined during the review procedure.

59.050 - PERMIT REVIEW

The Planning Director shall review development proposals to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required.

59.060 - RECORD KEEPING

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

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

B. The elevation above mean sea level and certification for all new or substantially improved flood-proofed structures.

59.070 - EXEMPTIONS TO FLOOD HAZARD AREA STANDARDS

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

A. Temporary Uses - The Planning Department may authorize the construction or

placement of a temporary structure or use within a flood hazard area without compliance with these standards, with the approval of the Building Official, provided that the structure or use will not be in place during the period from the beginning of October to the end of May.

B. Emergency Work - Emergency work may be undertaken where necessary to preserve life or property. Within 48 hours after commencement of such work, the Director of Public Works is to be notified, and an application filed with the Planning Department.

C. Existing Uses - The continuance, operation, repair, or maintenance of any lawful use of land existing on the effective date of this code is permitted. Any expansion or alteration of an existing structure or use, or grading of a site, shall be conducted in accordance with all applicable provisions of this code.

D. Structures necessary to make use of a water right.

59.080 - SITE DESIGN STANDARDS

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

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

B. Fences, Hedges and Walls - No fence, hedge, or wall shall be placed to restrict normal or free flow of water or access for maintenance vehicles to the natural water course.

C. Access - Access to area shall be provided as required to permit maintenance of natural resources and shall be subject to the approval of the Public Works Department.

59.090 - GENERAL DEVELOPMENT STANDARDS

In all areas of special flood hazard, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
2. All new manufactured dwellings must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage.

3. Anchoring methods may include, but are not limited to use of over-the-top or frame ties to ground anchors.

B. Construction Materials and Methods

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood-waters into the system.
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivisions

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development, which contains at least 50 lots or 5 acres (whichever is less).

59.100 - UNAVAILABLE ELEVATION DATA

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

59.110 - SPECIFIC STANDARDS

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

A. Residential Construction

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

2. Fully enclosed areas below the lowest level that is subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all opening shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Nonresidential Construction

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

1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Director;

4. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in this subsection; and

5. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-

proofing level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

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

59.120 - FLOODWAYS

In areas of special flood hazard areas designated as floodways the following activities are prohibited: encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

59.130 - ALTERATION OF WATER COURSES

A. The alteration or relocation of a watercourse shall comply with the provisions of Article 57 as well as all other applicable state and federal regulations governing waterway development.

B. The altered or relocated portion of any watercourse shall be maintained so that the flood carrying capacity is not diminished.

ARTICLE 59.4
GEOTHERMAL OVERLAY (GEO)

59.410 - PURPOSE

The purpose of the Geothermal Overlay zone is to efficiently use and maximize significant geothermal resources of Klamath County for industrial and commercial processes.

59.420 - APPLICATION

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

A. That all applicable comprehensive plan policies be met with specific consideration of policies numbered Goal #2, Goal #11, Policy 13; Goal #12, Policy #2; Goal #12, Policy #4; Goal #13, Policies #1, #2 and #4.

B. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.

C. This overlay zone designation can only be applied to those lands as identified on the Generalized Groundwater Aquifers and Geothermal Resource Map, or where sufficient studies and test wells indicate a significant geothermal resource exists.

D. That the resource must be used, and used primarily for either industrial or commercial process uses.

E. That geothermal resource shall be used in accordance with any State or Federal laws in effect.

59.430 - PERMITTED USES

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

59.440 - CONDITIONAL USES

Residential and commercial uses secondary to an industrial or commercial geothermal use may be permitted conditionally. Such uses are permitted within the Geothermal Overlay Zone when they are found to be (1) necessary for the housing of an employee, employees and their families of an identified process use, and (2) a necessary geothermal use. Commercial and residential uses which are secondary to industrial or commercial uses may be allowed subject to the following:

A. Any request to develop secondary residential or commercial uses shall identify the specific industrial or commercial geothermal use or uses for which the residential and commercial uses are necessary, and shall be supported by appropriate documentation showing that the number of residential units proposed or that the type of commercial uses is necessary, based on the following:

1. Residential

    a. The employment level of the proposes uses; and
    b. The availability of other housing and vacant residential land within a reasonable commuting distance.

2. Commercial

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

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

59.450 - PROCEDURE

The application of a Geothermal Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 combined with approval of a Concept Plan. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding. If the Geothermal Development Plan contains more than one phase, only the preliminary plat for the first phase needs to be presented for review.

A. Prior to submission of an application for a change of zone designation in order to apply the Geothermal Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Sections 59.460 and 59.470. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a concept Plan Review Conference with the applicant. At said conference, the applicant or his

authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

B. The review body shall consider the Geothermal Overlay zone change and Concept Plan applications at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and Concept Plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in Section 59.470. If requested by the applicant, the hearing body shall consider the Development Plan and any related preliminary subdivision or partition plans at the same public hearing as the zone change and Concept Plan. Approval of the Development Plan shall be subject to the criteria of Section 59.480.

C. Approval of Development Plans shall also be subject to the criteria of Section 59.440.

D. Preliminary subdivision or partition plans shall be reviewed pursuant to the applicable land division procedures and criteria and must conform to the approved Development Plan.

E. In the case of land zoned Geothermal as of July 1, 1990, the Geothermal Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided with the above application.

59.460 - CONCEPT PLAN

Prior to submission of an application for a change of zone designation, the prospective applicant shall submit to the Planning Director a Geothermal Concept Plan addressing the requirements of Section 59.460 and the standards in Section 59.470. The Planning Director shall schedule and hold a Concept Plan review with the applicant. At said conference, the applicant or an authorized agent shall present the Concept Plan and receive comments from County Staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend, and as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

The Planning Director shall schedule a public hearing for a plan amendment, zone change, and if applicable, an exception to statewide planning goals provided the proposed Concept Plan contains the necessary information. Land designated with

a Geothermal Overlay Zone will not be implemented until the development plan has received approval.

A. DESIGN TEAM:

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

1. Registered Architect;
2. Registered Landscape Architect;
3. Registered Engineer;
4. Certified Land Use Planner; and
5. Registered Land Surveyor.

B. CONCEPT PLAN:

The following information must be submitted within the Concept Plan:

1. General Narrative - A generalized narrative describing the:

    a. Location of the site;
    b. Its total acreage;
    c. The existing character, use of the site;
    d. Uses of adjoining properties;
    e. Concept of the proposed development including:

        1) Proposed uses and activities;
        2) Physical land alteration required by the development; and
        3) A detailed description of how the geothermal resource is to be used.

2. General Site Plan - A generalized site plan showing the entire parcel with schematic indications of approximate locations of:

    a. Buildings, including all industrial structures;
    b. Public and private rights-of-way;
    c. Parking and loading areas;
    d. Public and private open spaces; and
    e. Circulation plan.

59.470 - CONCEPT PLAN STANDARDS

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

A. The level of sewer service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling

septic and sewage problems commensurate with the size of the proposed development.

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

   If the proposed development is located on excessive slopes (over 25 percent), the requirements of Article 73 shall be met.

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

C. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.

   1. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.

   2. If the area is to be served by individual wells, a hydrology report by a registered engineer shall be submitted, showing that the quality and quantity of water on the property are adequate to serve the proposed development.

D. Fire Protection - The proposed development must be within a fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.

E. Access - The development must be accessible by improved County, State, or private roads.

F. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.

G. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.

H. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, water-sheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways. Compliance with the provisions of Article 57 shall be required.

I. Land Use Conflicts Relating to Industrial/Commercial and Residential Mixes - Where additional residential development would create a significant economic hardship on surrounding industrial or commercial development, additional residential development may be denied.

J. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.

K. Other Standards - The reviewing body may require that other standards deemed necessary by finds of fact be met (i.e., standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

59.480 - DEVELOPMENT PLAN

This plan may be submitted at the time the Concept Plan is submitted. If not, it must be submitted prior to actual development.

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

Development plans which propose major or minor partitioning or subdivision or which propose a substantial change from the approved Concept Plan will be processed pursuant to Chapter 40 of the Land Development Code. Approval or denial of the development plan shall be based on a finding that the following standards have been satisfied:

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

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

Information necessary to evaluate the development plan is as follows:

A. Narrative:

1. A statement of location and intensity of proposed uses and activities, including:

2. Public and private open spaces;

3. A physical description of proposed facilities accommodating such uses, including type of buildings, structure;

4. Landscaping;

5. Circulation plan;

6. Statement of location and general configuration of lands to be dedicated for public open space;

7. Other public uses, general description of utilities, general statement of form of site management proposed in areas of significant natural resources;

8. A statement detailing the consistency of the proposed development project with major public development programs, including, but not limited to, freeways, highways, parks, trails, open spaces, utility transmission lines;

9. The phase schedules of proposed major public facilities;

10. Schools, fire protection, police protection, sanitary and water facilities;

11. Where possible, buildings situated on least productive soils;

12. Geothermal process temperature needs of the proposed use(s);

13. Transportation, shipping, and utility needs of the proposed use(s); and

14. Land area needs (developed, expansion, and support areas).

B. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate: Perimeter boundaries of the site, streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of buildings and structures; utilization of buildings and structures; reservations for public uses, parks, and other open spaces; and major landscaping proposals. The Planning Director may require graphics presenting additional information as he determines is necessary to support the Statement of Intent.

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

D. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the development. The contents of the Background Report shall be determined during the Concept Plan Review Conference, and may include, but is not limited to, the following information: A preliminary development schedule including

anticipated timing for commencement and completion of each phase of development, tabulation on the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses; engineering feasibility studies must also be submitted.

59.490 - SITE DESIGN AND DEVELOPMENT STANDARDS

A. Site development standards contained in Chapter 60 for lot size and shape and building setbacks and yards may be waved in a Geothermal Designation providing that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety, and welfare.

B. Standards for roadways improvement in urban areas contained in Section 71.090 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission, subject to a minimum requirement of 50 feet wide right-of-way, 8 inches of base rock, 24 feet wide pavement, and 2 feet wide gravel shoulders for a total improved top width of 28 feet, and adequate drainage facilities as required by the Director of Public Works.

C. Standards for roadway improvement in Rural Areas contained in Section 71.100 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission subject to a minimum requirement of a 50 feet wide right-or-way, 22 feet in width improved with a minimum of 6 inches of gravel or cinders and adequate drainage facilities as required by the Director of Public Works.

59.495 - AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director, and may be referred to the Planning Commission as necessary.

ARTICLE 59.8
LIMITED USE OVERLAY (LU)

59.810 - PURPOSE

The purpose of the Limited Use Overlay is to limit permitted uses allowed in the underlying zone to only those uses which are justified in a required "exception statement" or, in the case where a statement is not required, testimony and evidence gathered in the review process, or to prohibit certain uses until allowed by a subsequent post-acknowledgment amendment to remove the Limited Use Overlay.

59.820 - APPLICATION

A. When an "exception" is taken to the Statewide Planning Goals for a comprehensive plan change, the Limited Use Overlay shall apply to the property in question.

B. If an "exception" is not required, the Limited Use Overlay may be applied to the property in question if the review body finds the overlay will further the purpose and intent of the Planning process.

C. Uses permitted in the underlying zone shall be limited to those uses specifically referenced in the comprehensive plan amendment/zone change and the accompanying exception statement, or certain uses shall be prohibited until allowed by a subsequent post-acknowledgment to remove the Limited Use Overlay.

D. The Limited Use Overlay shall not be used to authorize uses not expressly provided for in the underlying zone.

E. The Limited Use Overlay shall apply to the property until it is specifically removed via a subsequent comprehensive plan amendment and zone change.

F. Review Process for Limited Use Overlay approval. The Review Body may always require a Post Acknowledgment Plan Amendment be reviewed periodically to determine if it conforms with the specific purposes of the Limited Use Overlay.

59.830 - PROCEDURE

A. The Limited Use Overlay may be applied through the plan amendment process at the time the underlying plan and zone designation is changed.

B. The Limited Use Overlay may be applied through a zone change process at the time the underlying zone is changed.

C. The order adopting the comprehensive plan amendment/zone change shall specify the permitted use(s) approved, or the uses prohibited, and shall specify the application of the Limited Use Overlay.

D. The permitted uses, or prohibited uses or description thereof, may be qualified as necessary to achieve the intent of the Limited Use Overlay.

59.840 - OFFICIAL PLAN/ZONING MAP

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

59.850 - SITE PLAN REQUIREMENT

A. In addition to limiting the uses permitted through a comprehensive plan amendment, site plan approval may be required to ensure compatibility of the use(s) allowed with other existing uses in the area.

B. Site plan requirements may be added by specific reference to the adopting order.

C. All other requirements of the underlying zone remain in effect unless specifically altered by site plan approval incorporated in the adopting order.

ARTICLE 59.9
OR 66 GREEN SPRINGS HWY INTERCHANGE AREA MANAGEMENT PLAN (IAMP)

59.910 – PURPOSE

The purpose of the IAMP Overlay Zone is to protect the function of the US97/OR 66 Green Springs interchange and provide safe and efficient connections between all roadways within the vicinity of the interchange. The function of the interchange, located near the southwestern edge of the Klamath Falls area urban growth boundary (UGB), is to: serve local and long distance freight movements by providing a connection between US 97 and the shared alignment of OR 66 and OR 140; provide access to existing local businesses as well as a large amount of developable lands near the interchange, and; provide a connection to greater Klamath Falls for residents living near the interchange.

59.920 – ZONE BOUNDARY

The boundary of the IAMP Overlay Zone is shown on the Klamath County official Zoning Map.

59.930 – APPLICABILITY

The provisions of this Article shall apply to all land use and development applications pursuant to the Land Development Code (LDC), for parcels wholly or partially within the IAMP Overlay Zone, as defined by Section 59.920. The standards of the IAMP Overlay Zone shall supersede where conflicts arise between the standards of the Overlay Zone and those contained within other sections of the Land Development Code.

59.940 – USES PERMITTED

Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Land Development Code and Chapter 50, Land Use Zones.

59.950 – ACCESS MANAGEMENT

In addition to the standards and requirements of Article 68 (Off Street Parking and Loading) and Article 71 (Vehicular Access and Circulation), parcels wholly or partially within the IAMP Overlay Zone are governed by the Access Management Plan in the OR 66 Green Springs Hwy Interchange Area Management Plan. The following access approval criteria apply to land use and development applications for parcels within the Overlay Zone that are subject to Section 71.160 (Access Permits).

A. Access to streets and property within the IAMP Overlay Zone shall be subject to joint review by the County and the Oregon Department of Transportation (ODOT) and, where applicable, by the city of Klamath Falls. Coordination of this review will occur pursuant to Section 59.960.

B. Approval of an access permit is based on the standards contained in this section, the provisions of Article 68 (Off Street Parking and Loading) and Article 71 (Vehicular Access and Circulation) in the LDC, and the Access Management Plan in the OR 66 Green Springs Hwy IAMP. Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Section 71.020, Access Standards, the Access Management Plan shall govern.

59.960 – ADMINISTRATION

The section delineates the responsibilities of the County and ODOT to monitor and evaluate vehicle trip generation on the Green Springs interchange from development approval under this section.

A. Transportation Analysis

1. The applicant shall prepare and submit to the County a traffic impact study (TIS) pursuant to the requirements in Section 71.200 Traffic Impact Study.

2. A TIS will be required for all applications for zone change and/or comprehensive plan amendments located within the IAMP Overlay Zone that result in an increase in trips as compared to the existing land use designation.

3. Land Use applications that require a State Highway Private Approach application may also be required to provide ODOT a TIS, pursuant to OAR 734-051-3030(4).

B. Agency Coordination

1. For land use applications within the IAMP Overlay Zone, the County shall invite ODOT and the City of Klamath Falls to participate in the County's pre-application meeting with the applicant.

2. The County shall provide written notification to ODOT when the application is deemed complete. The County shall also provide written notification to the City of Klamath Falls, the transit agency and other public or quasi-public agencies that serve the IAMP Overlay Zone when the application is deemed complete.

3. ODOT shall have at least 20 days, measured from the date completion notice was mailed, to provide written comments to the County. If ODOT does not provide written comments during this 20-day period, the County staff report will be issued without consideration of ODOT comments.

59.970 – INTERCHANGE AREA MANAGEMENT PLAN REVIEW AND UPDATE

A. IAMP Review Triggers. In order to ensure that the interchange function and capacity is preserved the County, in coordination with ODOT and the City of Klamath Falls, shall undertake a formal IAMP review when the following occurs:

1. Five (5) years has elapsed since the date of the IAMP adoption or since the last update occurred.

2. Comprehensive Land Use Plan Map or Zoning Map amendments that have a "significant effect" pursuant to the Transportation Planning Rule and are proposed for land within the IAMP Overlay Zone or for land outside the Overlay Zone that significantly affect the Green Springs interchange.

B. IAMP Updates

1. If the findings and conclusions from an IAMP review demonstrate the need for an update to the plan, review participants will initiate an IAMP update process pursuant to the provisions of the IAMP.

2. An updated IAMP shall be legislatively adopted, requiring a Board of Commissioners public hearing, as an amendment to the Klamath Falls Urban Area Transportation System Plan and will be adopted by the Oregon Transportation Commission as an update to the Oregon Highway Plan.