

**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 Page 62
F	Forestry Page 128
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 through 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
- K. Accessory Dwelling Unit(s) subject to Article 89 standards

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
- I. Accessory Dwelling Unit(s) subject to Article 89 standards

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
- K. Accessory Dwelling Unit(s) subject to Article 89 standards

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
 - I. Accessory Dwelling Unit(s) subject to Article 89 standards

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

ORD 45.0

ORD 45.31 Art. 52.4

ORD 45.50 Art. 52.440(I)

Adopt February 16, 1984

Adopt February 15, 1995

Adopt June 4, 2008

Periodic Review Task 22

- 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

ORD 45.0	Adopt February 16, 1984	
ORD 45.31 Art. 52.4	Adopt February 15, 1995	
ORD 45.33 Art. 52.420(Bb) & 430(F)	Adopt May 13, 1996	
ORD 45.36 Art. 52.430(O)	Adopt November 10, 1998	
ORD 45.50 Art. 52.440(I)	Adopt June 4, 2008	Periodic Review Task 22
ORD 45.87 Art. 52.420(Cc)	Adopt Oct. 6, 2016	

- 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. 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 52.8 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 statutes 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 statutes 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 subdivided 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)

54.000 – PURPOSE

The purpose of the Exclusive Farm Use (EFU) Zone is to protect and maintain agricultural lands for farm use, consistent with existing and future needs for agricultural products. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county. It is also the purpose of the EFU zone to qualify farms for farm use valuation under the provisions of ORS Chapter 308.

The EFU zone has been applied to lands designated as Agriculture in the Comprehensive Plan, which reflect the requirements of ORS Chapter 215 and OAR 660-033. The minimum parcel size and other standards established by this zone are intended to promote commercial agricultural operations.

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.

54.010 – PERMITTED USES

In the EFU zone, the following uses and activities and their accessory buildings and uses are permitted subject to site plan review of Article 41 and the general provisions set forth by this ordinance and any other applicable siting and design standards and review process in the Land Development Code :

- A. Farm use.
- B. Propagation or harvesting of a forest product.
- C. Agricultural buildings customarily provided in conjunction with farm use.
- D. Creation of, restoration of, or enhancement of wetlands.

- E. Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead.
- F. Operations for the exploration for minerals as defined by ORS 517.750.
- G. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- H. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- I. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- J. 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.
- K. Irrigation reservoirs, canals, delivery lines and those structures and accessory operational facilities, not including parks or other recreational structures and facilities, associated with a district as defined in ORS 540.505.
- L. Fire service facilities providing rural fire protection services.
- M. Onsite filming and activities accessory to onsite filming for 45 days or less as provided for in ORS 215.306.
- N. Firearms training facility in existence on September 9, 1995.
- O. An outdoor mass gathering of more than 1,000 persons that is expected to continue for more than 12 hours but less than 120 hours in any three-month period, as provided in ORS 433.735 and subject to Article 42.055.
- P. A facility for the processing of farm crops, biofuel or poultry subject to Subsection 54.030(A).

- Q. Dog training classes or testing trials subject to Subsection 54.030(C).
- R. Farm stands subject to Subsection 54.030(D).
- S. A winery subject to Section 54.065.
- T. Agri-tourism and other commercial events or activities subject to Section 54.070. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- U. Destination resort subject to Subsection 54.030(E). This use is subject to the requirements of Article 88 and the Planning Commission Review Procedure pursuant to Article 26.
- V. Land application of reclaimed water, agricultural or industrial process water or biosolids subject to Subsection 54.030(L). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- W. Utility facility service lines subject to Subsection 54.030(M).
- X. Utility facilities necessary for public service, including associated transmission lines as defined in Article 11 and wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height as provided in Subsection 54.030(N). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- Y. A site for the takeoff and landing of model aircraft subject to Subsection 54.030(Q). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- Z. Churches, and cemeteries in conjunction with churches, subject to Subsection 54.030(X). This use is not permitted on high value farmland except that existing churches on high value farmland may be expanded subject to Subsection 54.030(Z). This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- AA. Dwelling customarily provided in conjunction with farm use subject to Subsection 54.030(Y) and Section 54.040. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.

- BB. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse if the farm operator does, or will, require the assistance of the relative in the management of the farm use subject to 54.045(A), and 54.030(Y).
- CC. Accessory farm dwellings for year-round and seasonal farm workers subject to Subsection 54.030(Y) and Section 54.045. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- DD. Lot of record dwelling subject to Subsection 54.030(Y) and Section 54.050. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- EE. Single-family residential dwelling, not provided in conjunction with farm use subject to Subsection 54.030(Y) and Section 54.055. This use is subject to the Type II Administrative Review Procedure pursuant to Article 22.
- FF. Replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a county inventory as historic property as defined in ORS 358.480 and listed on the National Register of Historic Places subject to Subsection 54.030(Y).
- GG. Alteration, restoration, or replacement of a lawfully established dwelling subject to Subsection 54.030(Y) and Section 54.060.

54.015 – CONDITIONAL USES

Except where specifically noted, the following uses are permitted subject to Conditional Use Permit procedures in Article 44, any specific standards for the use set forth in Section 54.030, the conditional use review criteria in Section 54.035 in lieu of those contained in Article 44.030, and the general standards for the zone and any other applicable standards and review process in the Land Development Code:

- A. A facility for the primary processing of forest products subject to Subsection 54.030(B).
- B. The propagation, cultivation, maintenance and harvesting of aquatic species that are not under the jurisdiction of the State Fish and Wildlife Commission or insect species.

- C. Temporary hardship dwelling, permitted as a temporary use permit as required by LDC Article 42.
- D. Residential care home as defined in ORS 197.660, in existing dwellings, subject to Subsection 54.030(Y).
- E. Room and board arrangements for a maximum of five unrelated persons in existing residences subject to Subsection 54.030(Y).
- F. Parking of up to seven log trucks. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- G. Home occupations as provided in Subsection 54.030(F) and Article 85.
- H. Commercial dog boarding kennels or dog training classes or testing trials that cannot be established under Subsection 54.010(Q).
- I. A landscape contracting business, as defined in ORS 671.520, or a business providing landscape architecture services, as described in ORS 671.318, if the business is pursued in conjunction with the growing and marketing of nursery stock on the land that constitutes farm use. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- J. Commercial activities in conjunction with farm use, including the processing of farm crops into biofuel not permitted under Subsection 54.010(P), but excluding activities in conjunction with a marijuana crop, and subject to 54.030(H).
- K. Guest ranch subject to Subsection 54.030(G). This use is not permitted on high value farmland.
- L. Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted.
- M. Operations conducted for mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to Subsection 54.030(J) and ORS 215.298.
- N. Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement subject to 54.030(I).

- O. Processing of other mineral resources and other subsurface resources.
- P. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Q. 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.
- R. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- S. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
- T. Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities subject to Subsection 54.030(K).
- U. Transmission towers over 200 feet in height. This use is subject to to the Type II Administrative Procedure pursuant to Article 22.
- V. Commercial utility facilities for the purpose of generating power for public use by sale, not including wind power generation facilities or photovoltaic solar power generation facilities subject to Subsection 54.075(A).
- W. Wind power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 54.075(B).
- X. Photovoltaic solar power generation facilities as commercial utility facilities for the purpose of generating power for public use by sale subject to Subsection 54.075(C).
- Y. A site for the disposal of solid waste for which a permit has been granted under ORS 459.245 by the Department of Environmental Quality together with equipment, facilities or buildings necessary for its operation subject to Subsection 54.030(P). This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).

- Z. Composting facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060 subject to Subsection 54.030(O). This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).
- AA. Onsite filming and activities accessory to onsite filming for more than 45 days as provided for in ORS 215.306. This use is subject to to the Type II Administrative Procedure pursuant to Article 22.
- BB. Living history museum as defined in Article 11 and subject to Subsections 54.030(R) and 54.030(X).
- CC. Community centers owned by a governmental agency or a nonprofit organization and operated primarily by and for residents of the local rural community subject to Subsections 54.030(S) and 54.030(X).
- DD. Public parks and playgrounds subject to Subsections 54.030(T) and 54.030(X).
- EE. Operations for the extraction and bottling of water.
- FF. Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located, subject to Subsection 54.030(X). This use is not permitted on high value farmland except that existing schools on high value farmland may be expanded subject to Subsections 54.030(U) and 54.030(Z).
- GG. Private parks, playgrounds, hunting and fishing preserves, and campgrounds subject to Subsections 54.030(V) and 54.030(X). This use is not permitted on high value farmland except that existing private parks on high value farmland may be expanded subject to Subsection 54.030(Z).
- HH. Golf courses as defined in Article 11 and subject to Subsections 54.030(W) and 54.030(X). This use is not permitted on high value farmland as defined in ORS 195.300 except that existing golf courses on high-value farmland may be expanded subject to Subsection 54.030(Z).

54.030 – USE STANDARDS

- A. A farm on which a processing facility is located must provide at least one-quarter of the farm crops processed at the facility. A farm may also be used for an establishment for the slaughter, processing or selling of poultry or poultry products pursuant to ORS 603.038. If a building is established or used for the processing facility or establishment, the farm operator may not devote more than 10,000 square feet of floor area to the processing facility or establishment, exclusive of the floor area designated for preparation, storage or other farm use. A processing facility or establishment must comply with all applicable siting standards but the standards may not be applied in a manner that prohibits the siting of the processing facility or establishment. A county may not approve any division of a lot or parcel that separates a processing facility or establishment from the farm operation on which it is located.
- B. A facility for the primary processing of forest products shall not seriously interfere with accepted farming practices and shall be compatible with farm use described in Article 11. Such facility may be approved for a one-year period that is renewable and is intended to be only portable or temporary in nature. The primary processing of a forest product, as used in this Section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market. Forest products as used in this Section means timber grown upon a tract where the primary processing facility is located.
- C. Dog training classes or testing trials conducted outdoors, or in farm buildings that existed on January 1, 2013, are limited as follows:
1. The number of dogs participating in training does not exceed 10 per training class and the number of training classes to be held on-site does not exceed six per day; and
 2. The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site does not exceed four per calendar year.
- D. A farm stand may be approved if:

1. The structures are designed and used for sale of farm crops and livestock grown on the farm operation, or grown 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 or livestock sold at the farm stand if the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and
2. The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
3. As used in this Section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
4. As used in this Subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product but not prepared food items.
5. As used in this Section, "local agricultural area" includes Oregon or an adjacent county in California.
6. A farm stand may not be used for the sale, or to promote the sale, of marijuana products or extracts.
7. Farm Stand Development Standards
 - a. Adequate off-street parking will be provided pursuant to provisions of Article 68.
 - b. Roadways, driveway aprons, driveways and parking surfaces shall be surfaces that prevent dust, and may include paving, gravel, cinders, or bark/wood chips.
 - c. All vehicle maneuvering will be conducted on site. No vehicle backing or maneuvering shall occur within adjacent roads, streets or highways.
 - d. No farm stand building or parking is permitted within the right-of-way.

- e. Approval is required from the County Public Works Department regarding adequate egress and access. All egress and access points shall be clearly marked. Vision clearance shall be maintained as required in Article 62.060.
 - f. All outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties, roads and highways, except as provided for up-lighting of flags and permitted building-mounted signs.
- E. A destination resort is not permitted on high-value farmland except that existing destination resorts may be expanded subject to 54.030(X).
- F. Home occupations as allowed in Article 85 and with the following additional standards:
- a. When a bed and breakfast facility is sited as a home occupation on the same tract as a winery established pursuant to Section 54.055 and is operated in association with the winery:
 - 1) The bed and breakfast facility may prepare and serve two meals per day to the registered guests of the bed and breakfast facility; and
 - 2) The meals may be served at the bed and breakfast facility or at the winery.
- G. A guest ranch must comply with the following provisions:
- 1. Definitions
 - a. "Guest lodging unit" means a guest room in a lodge, bunkhouse, cottage or cabin used only for transient overnight lodging and not for a permanent residence.
 - b. "Guest ranch" means a facility for guest lodging units, passive recreational activities described in Subsection (6) and food services described in Subsection (7) that are incidental and accessory to an existing and continuing livestock operation that qualifies as a farm use.
 - c. "Livestock" means cattle, sheep, horses and bison.

2. A guest ranch may be established unless the proposed site of the guest ranch is within the boundaries of or surrounded by:
 - a. A federally designated wilderness area or a wilderness study area;
 - b. A federally designated wildlife refuge;
 - c. A federally designated area of critical environmental concern; or
 - d. An area established by an Act of Congress for the protection of scenic or ecological resources.
3. The guest ranch must be located on a lawfully established unit of land that:
 - a. Is at least 160 acres;
 - b. Contains the dwelling of the individual conducting the livestock operation; and
 - c. Is not high-value farmland.
4. Except as provided in Subsection (5), the guest lodging units of the guest ranch cumulatively must:
 - a. Include not fewer than four nor more than 10 overnight guest lodging units; and
 - b. Not exceed a total of 12,000 square feet in floor area, not counting the floor area of a lodge that is dedicated to kitchen area, rest rooms, storage or other shared or common indoor space.
5. For every increment of 160 acres that the lawfully established unit of land on which the guest ranch is located exceeds the minimum 160-acre requirement described in Subsection (3), up to five additional overnight guest lodging units not exceeding a total of 6,000 square feet of floor area may be included in the guest ranch for a total of not more than 25 guest lodging units and 30,000 square feet of floor area.

6. A guest ranch may provide passive 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 and swimming. A guest ranch may not provide intensively developed recreational facilities, including golf courses as identified in ORS 215.283.
7. A guest ranch may provide food services only for guests of the guest ranch, individuals accompanying the guests and individuals attending a special event at the guest ranch. The cost of meals, if any, may be included in the fee to visit or stay at the guest ranch. A guest ranch may not sell individual meals to an individual who is not a guest of the guest ranch, an individual accompanying a guest or an individual attending a special event at the guest ranch.
8. Notwithstanding ORS 215.283, the governing body of a county or its designee may not allow a guest ranch in conjunction with:
 - a. A campground as described in 54.015(GG).
 - b. A golf course as described in 54.015(HH).
9. Notwithstanding 54.080, the governing body of a county or its designee may not approve a proposed division of land:
 - a. for a guest ranch; or
 - b. to separate the guest ranch from the dwelling of the individual conducting the livestock operation.

H. Commercial activities in conjunction with farm use may be approved when:

1. The commercial activity is either exclusively or primarily a customer or supplier of farm products;
2. The commercial activity is limited to providing products and services essential to the practice of agriculture by surrounding agricultural operations that are sufficiently important to justify the resulting loss of agricultural land to the commercial activity; or

3. The commercial activity significantly enhances the farming enterprises of the local agricultural community, of which the land housing the commercial activity is a part. Retail sales of products or services to the general public that take place on a parcel or tract that is different from the parcel or tract on which agricultural product is processed, such as a tasting room with no on-site winery, are not commercial activities in conjunction with farm use.
- I. Facilities that batch and blend mineral and aggregate into asphalt cement may not be authorized within two miles of a planted vineyard. Planted vineyard means one or more vineyards totaling 40 acres or more that are planted as of the date the application for batching and blending is filed.
 - J. Mining, crushing or stockpiling of aggregate and other mineral and subsurface resources are subject to the following:
 1. A land use permit is required for mining more than one thousand (1,000) cubic yards of martial or excavation preparatory to mining of a surface area of more than one (1) acre.
 2. A land use permit for mining of aggregate shall be issued only for a site included on the mineral and aggregate inventory in the County's Goal 5 Inventory.
 - K. A personal-use airport, as used in this Section, prohibits aircraft other than those owned or controlled by the owner of the airstrip. Exceptions to the activities allowed under this definition may be granted through waiver action by the Oregon Department of Aviation in specific instances. A personal-use airport lawfully existing as of September 13, 1975, shall continue to be allowed subject to any applicable rules of the Oregon Department of Aviation.
 - L. Land Application of Reclaimed or Process Water, agricultural process or industrial process water or biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an EFU zone is subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251.

M. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

1. A public right of way;
2. Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or
3. The property to be served by the utility.

N. A utility facility that is necessary for public service.

1. A utility facility is necessary for public service if the facility must be sited in the exclusive farm use zone in order to provide the service.
 - a. To demonstrate that a utility facility is necessary, an applicant must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:
 - 1) Technical and engineering feasibility;
 - 2) The proposed facility is locationally-dependent. A utility facility is locationally-dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - 3) Lack of available urban and nonresource lands;
 - 4) Availability of existing rights of way;
 - 5) Public health and safety; and
 - 6) Other requirements of state and federal agencies.

- b. Costs associated with any of the factors listed in Subsection (a) of this subsection may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service. Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar.
- c. The owner of a utility facility approved under Subsection (1) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration.
- d. The county shall impose clear and objective conditions on an application for utility facility siting to mitigate and minimize the impacts of the proposed facility, if any, on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on surrounding farmlands.
- e. Utility facilities necessary for public service may include on-site and off-site facilities for temporary workforce housing for workers constructing a utility facility. Such facilities must be removed or converted to an allowed use under the EFU Zone or other statute or rule when project construction is complete. Off-site facilities allowed under this Subsection are subject to Section 54.035 Conditional Use Review Criteria. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall have no effect on the original approval.
- f. In addition to the provisions of Subsection 54.030(N)(1)(a) through (d), the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) shall be subject to the provisions of 660-011-0060.
- g. The provisions of Subsection (1) do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission.

2. An associated transmission line is necessary for public service upon demonstration that the associated transmission line meets either the following requirements of Subsection (a) or Subsection (b) of this Subsection.
 - a. An applicant demonstrates that the entire route of the associated transmission line meets at least one of the following requirements:
 - 1) The associated transmission line is not located on high-value farmland, as defined in ORS 195.300, or on arable land;
 - 2) The associated transmission line is co-located with an existing transmission line;
 - 3) The associated transmission line parallels an existing transmission line corridor with the minimum separation necessary for safety; or
 - 4) The associated transmission line is located within an existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground.
 - b. After an evaluation of reasonable alternatives, an applicant demonstrates that the entire route of the associated transmission line meets, subject to Subsections 54.030(N)(2)(c) and (d), two or more of the following criteria:
 - 1) Technical and engineering feasibility;
 - 2) The associated transmission line is locationally-dependent because the associated transmission line must cross high-value farmland, as defined in ORS 195.300, or arable land to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;
 - 3) Lack of an available existing right of way for a linear facility, such as a transmission line, road or railroad, that is located above the surface of the ground;
 - 4) Public health and safety; or
 - 5) Other requirements of state or federal agencies.

- c. As pertains to Subsection (b), the applicant shall demonstrate how the applicant will mitigate and minimize the impacts, if any, of the associated transmission line on surrounding lands devoted to farm use in order to prevent a significant change in accepted farm practices or a significant increase in the cost of farm practices on the surrounding farmland.
 - d. The county may consider costs associated with any of the factors listed in Subsection (b), but consideration of cost may not be the only consideration in determining whether the associated transmission line is necessary for public service.
- O. Composting operations and facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under OAR 340-093-0050 and 340-096-0060. Buildings and facilities used in conjunction with the composting operation shall only be those required for the operation of the subject facility. Onsite sales shall be limited to bulk loads of at least one unit (7.5 cubic yards) in size that are transported in one vehicle. This use is not permitted on high value farmland except that existing facilities on high value farmland may be expanded subject to Subsection 54.030(Z).
 - 1. Compost operations subject to Section 54.030(O) include:
 - a. A new disposal site for composting that sells, or offers for sale, resulting product; or
 - b. An existing disposal site for composting that sells, or offers for sale, resulting product that:
 - c. Accepts as feedstock nonvegetative materials, including dead animals, meat, dairy products and mixed food waste (type 3 feedstock); or
 - d. Increases the permitted annual tonnage of feedstock used by the disposal site by an amount that requires a new land use approval.
- P. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 54.035 and shall comply with the following requirements.

1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:
 - a. The area surrounding the facility is kept free from litter and debris.
 - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
8. Hours of operation for the facility shall be limited to 8 am – 7 pm.
9. Comply with other conditions deemed necessary.

- Q. Buildings and facilities associated with a site for the takeoff and landing of model aircraft shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this Section. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this Section. An owner of property used for the purpose authorized in this Section may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this Section, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.
- R. A living history museum shall be related to resource based activities and shall be owned and operated by a governmental agency or a local historical society. A living history museum may include limited commercial activities and facilities that are directly related to the use and enjoyment of the museum and located within authentic buildings of the depicted historic period or the museum administration building, if areas other than an exclusive farm use zone cannot accommodate the museum and related activities or if the museum administration buildings and parking lot are located within one quarter mile of an urban growth boundary. "Local historical society" means the local historical society, recognized as such by the county governing body and organized under ORS Chapter 65.
- S. A community center may provide services to veterans, including but not limited to emergency and transitional shelter, preparation and service of meals, vocational and educational counseling and referral to local, state or federal agencies providing medical, mental health, disability income replacement and substance abuse services, only in a facility that is in existence on January 1, 2006. The services may not include direct delivery of medical, mental health, disability income replacement or substance abuse services.
- T. Public parks may include:
1. All outdoor recreation uses allowed under ORS 215.213 or 215.283.
 2. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

- a. Meeting halls not exceeding 2000 square feet of floor area;
 - b. Dining halls (not restaurants).
- U. Schools as formerly allowed pursuant to ORS 215.283(1)(a) that were established on or before January 1, 2009, may be expanded if:
- 1. The Conditional Use Review Criteria in Section 54.035 are met; and
 - 2. The expansion occurs on the tax lot on which the use was established on or before January 1, 2009 or a tax lot that is contiguous to the tax lot and that was owned by the applicant on January 1, 2009.
- V. Private Campgrounds are subject to the following:
- 1. Except on a lot or parcel contiguous to a lake or reservoir, private 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. A campground shall be designed and integrated into the rural agricultural 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. Campgrounds 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 six-month period.
 - 2. Campsites may be occupied by a tent, travel trailer, yurt or recreational vehicle. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts allowed by Subsection (3).
 - 3. A private campground may provide yurts for overnight camping. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- W. Accessory uses provided as part of a golf course shall be limited consistent with the following standards:

1. An accessory use to a golf course is a facility or improvement that is incidental to the operation of the golf course and is either necessary for the operation and maintenance of the golf course or that provides goods or services customarily provided to golfers at a golf course. An accessory use or activity does not serve the needs of the non-golfing public. Accessory uses to a golf course may include: Parking; maintenance buildings; cart storage and repair; practice range or driving range; clubhouse; restrooms; lockers and showers; food and beverage service; pro shop; a practice or beginners course as part of an 18 hole or larger golf course; or golf tournament. Accessory uses to a golf course do not include: Sporting facilities unrelated to golfing such as tennis courts, swimming pools, and weight rooms; wholesale or retail operations oriented to the non-golfing public; or housing;
2. Accessory uses shall be limited in size and orientation on the site to serve the needs of persons and their guests who patronize the golf course to golf. An accessory use that provides commercial services (e.g., pro shop, etc.) shall be located in the clubhouse rather than in separate buildings; and
3. Accessory uses may include one or more food and beverage service facilities in addition to food and beverage service facilities located in a clubhouse. Food and beverage service facilities must be part of and incidental to the operation of the golf course and must be limited in size and orientation on the site to serve only the needs of persons who patronize the golf course and their guests. Accessory food and beverage service facilities shall not be designed for or include structures for banquets, public gatherings or public entertainment.

X. Three-mile setback. For uses subject to this Subsection:

1. No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.
2. Any enclosed structures or group of enclosed structures described in Subsection (1) within a tract must be separated by at least one-half mile. For purposes of this Subsection, "tract" means a tract that is in existence as of June 17, 2010.

3. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law, but enclosed existing structures within a farm use zone within three miles of an urban growth boundary may not be expanded beyond the requirements of this ordinance.
- Y. Single-family dwelling deeds. The landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner'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.
- Z. Expansion standards. Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law. An existing golf course may be expanded consistent with the requirements of Subsection 54.015(HH) and Section 54.035.

54.035 – CONDITIONAL USE REVIEW CRITERIA

An applicant for a use permitted in Section 54.015 must demonstrate compliance with the following criteria in lieu of that contained in Article 44.030 and any other conditional use criteria adopted by the county.

- A. The use will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- B. The use will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.
- C. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 1. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 2. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;

3. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
4. The use is or can be made compatible with existing uses and other allowable uses in the area.

54.040 – PRIMARY FARM DWELLING CUSTOMARILY PROVIDED IN CONJUNCTION WITH FARM USE

A. Large Tract Standards. On land not identified as high-value farmland as defined in Article 11, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The parcel on which the dwelling will be located is at least:
 - a. 160 acres and not designated rangeland; or
 - b. 320 acres and designated rangeland.
2. The subject tract is currently employed for farm use.
3. The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the subject tract, such as planting, harvesting, marketing or caring for livestock, at a commercial scale.
4. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract.

B. Farm Income Standards (non-high value). On land not identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

1. The subject tract is currently employed for the farm use on which, in each of the last two years or three of the last five years, or in an average of three of the last five years, the farm operator earned the lower of the following:
 - a. At least \$40,000 in gross annual income from the sale of farm products; or

- b. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and
 2. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use pursuant to ORS Chapter 215 owned by the farm or ranch operator or on the farm or ranch operation;
 3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and
 4. In determining the gross income required by Subsection (1):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - b. Only gross income from land owned, not leased or rented, shall be counted; and
 - c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.
- C. Farm Income Standards (high-value). On land identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:
 1. The subject tract is currently employed for the farm use on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years, or in an average of three of the last five years; and
 2. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on lands designated for exclusive farm use owned by the farm or ranch operator or on the farm or ranch operation; and
 3. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1);

4. In determining the gross income required by Subsection (1):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the farm or ranch operation;
 - b. Only gross income from land owned, not leased or rented, shall be counted; and
 - c. Gross farm income earned from a lot or parcel that has been used previously to qualify another lot or parcel for the construction or siting of a primary farm dwelling may not be used.

D. Additional Farm Income Standards.

1. For the purpose of Subsections (B) or (C), noncontiguous lots or parcels zoned for farm use in the same county or contiguous counties may be used to meet the gross income requirements. Lots or parcels in eastern or western Oregon may not be used to qualify a dwelling in the other part of the state.
2. Prior to the final approval for a dwelling authorized by Subsections (B) and (C) that requires one or more contiguous or non-contiguous lots or parcels of a farm or ranch operation to comply with the gross farm income requirements, the applicant shall complete and record with the county clerk the covenants, conditions, and restrictions form provided by the county (Exhibit A to OAR Chapter 660 Division 33). The covenants, conditions and restrictions shall be recorded for each lot or parcel subject to the application for the primary farm dwelling and shall preclude:
 - a. All future rights to construct a dwelling except for accessory farm dwellings, relative farm assistance dwellings, temporary hardship dwellings or replacement dwellings allowed by ORS Chapter 215; and
 - b. The use of any gross farm income earned on the lots or parcels to qualify another lot or parcel for a primary farm dwelling.
3. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located;

- E. Commercial Dairy Farm Standards. A dwelling may be considered customarily provided in conjunction with a commercial dairy farm and capable of earning the gross annual income requirements by Subsections (B) or (C) above, subject to the following requirements:
1. The subject tract will be employed as a commercial dairy as defined in Subsection (7);
 2. The dwelling is sited on the same lot or parcel as the buildings required by the commercial dairy;
 3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm use activities necessary to the operation of the commercial dairy farm;
 5. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and
 6. The Oregon Department of Agriculture has approved the following:
 - a. A permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - b. A Producer License for the sale of dairy products under ORS 621.072.
 7. As used in this Section, "commercial dairy farm" is a dairy operation that owns a sufficient number of producing dairy animals capable of earning the gross annual income required by Subsections (B) or (C), whichever is applicable, from the sale of fluid milk.
- F. Relocated Farm Operations. A dwelling may be considered customarily provided in conjunction with farm use if:

1. Within the previous two years, the applicant owned and operated a different farm or ranch operation that earned the gross farm income in each of the last five years or four of the last seven years as required by Subsection (B) or (C), whichever is applicable;
 2. The subject lot or parcel on which the dwelling will be located is:
 - a. Currently employed for the farm use that produced in each of the last two years or three of the last five years, or in an average of three of the last five years the gross farm income required by Subsection (B) or (C), whichever is applicable; and
 - b. At least the size of the applicable minimum lot size under Section 54.080;
 3. Except for seasonal farmworker housing approved prior to 2001, there is no other dwelling on the subject tract;
 4. The dwelling will be occupied by a person or persons who produced the commodities that grossed the income in Subsection (1); and
 5. In determining the gross income required by Subsection (1) and Subsection (2):
 - a. The cost of purchased livestock shall be deducted from the total gross income attributed to the tract; and
 - b. Only gross income from land owned, not leased or rented, shall be counted.
- G. Farming of a marijuana crop, and the gross sales derived from selling a marijuana crop, may not be used to demonstrate compliance with the approval criteria for a primary farm dwelling.

54.045 – FARM HELP AND ACCESSORY FARM DWELLINGS

A. To qualify for a relative farm help dwelling:

1. A dwelling shall be occupied by relatives whose assistance in the management and farm use of the existing commercial farming operation is required by the farm operator. However, farming of a marijuana crop may not be used to demonstrate compliance with the approval criteria for a relative farm help dwelling. The farm operator shall continue to play the predominant role in the management and farm use of the farm.
2. A relative farm help dwelling must be located on the same lot or parcel as the dwelling of the farm operator and must be on real property used for farm use.

B. Accessory farm dwellings may be considered customarily provided in conjunction with farm use if each accessory farm dwelling meets all the following requirements:

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 use, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator;
2. The accessory farm dwelling will be located:
 - a. On the same lot or parcel as the primary farm dwelling;
 - 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;
 - c. On a lot or parcel on which the primary farm dwelling is not 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 reapproved under these provisions;

- d. On any lot or parcel, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farmworker housing as that existing on farm or ranch operations registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. A county shall require all accessory farm dwellings approved under this Subsection to be removed, demolished or converted to a nonresidential use when farmworker housing is no longer required. "Farmworker housing" shall have the meaning set forth in 215.278 and not the meaning in 315.163; or
 - e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size under ORS 215.780 and the lot or parcel complies with the gross farm income requirements in OAR 660-033-0135(3) or (4), whichever is applicable; and
3. There is no other dwelling on the 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.
- C. In addition to the requirements in Subsection (B), the primary farm dwelling to which the proposed dwelling would be accessory, meets one of the following:
1. On land not identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which, in each of the last two years or three of the last five years or in an average of three of the last five years, the farm operator earned the lower of the following:
 - a. At least \$40,000 in gross annual income from the sale of farm products. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 - b. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract;

2. On land identified as high-value farmland, the primary farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, on which the farm operator earned at least \$80,000 in gross annual income from the sale of farm products in each of the last two years or three of the last five years or in an average of three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or
 3. It is located on a commercial dairy farm as defined in Section 54.040(E); and
 - a. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm;
 - b. The Oregon Department of Agriculture has approved a permit for a "confined animal feeding operation" under ORS 468B.050 and 468B.200 to 468B.230; and
 - c. A Producer License for the sale of dairy products under ORS 621.072.
- D. No division of a lot or parcel for an accessory farm dwelling shall be approved pursuant to this Subsection. If it is determined that an accessory farm dwelling satisfies the requirements of this ordinance, a parcel may be created consistent with the minimum parcel size requirements in Subsection 54.080(A).
- E. An accessory farm dwelling approved pursuant to this Section cannot later be used to satisfy the requirements for a dwelling not provided in conjunction with farm use pursuant to Subsection 54.010(EE).
- F. For purposes of this Subsection, "accessory farm dwelling" includes all types of residential structures allowed by the applicable state building code.
- G. Farming of a marijuana crop shall not be used to demonstrate compliance with the approval criteria for an accessory farm dwelling.
- H. No accessory farm dwelling unit may be occupied by a relative of the owner or operator of the farmworker housing. "Relative" means a spouse of the owner or operator or an ancestor, lineal descendant or whole or half sibling of the owner or operator or the spouse of the owner or operator.

54.050 – LOT OF RECORD DWELLINGS

A. A lot of record dwelling may be approved on a pre-existing lot or parcel if:

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in Subsection (E):
 - a. Since prior to January 1, 1985; or
 - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
2. The tract on which the dwelling will be sited does not include a dwelling;
3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract;
4. The proposed dwelling is not prohibited by, and will comply with, the requirements of the acknowledged comprehensive plan and land use regulations and other provisions of law;
5. The lot or parcel on which the dwelling will be sited is not high-value farmland except as provided in Subsections (C) and D; and
6. When the lot or parcel on which the dwelling will be sited lies within an area designated in the comprehensive plan as habitat of big game, the siting of the dwelling is consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

B. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed;

C. Notwithstanding the requirements of Subsection 54.050(A)(5), a single-family dwelling may be sited on high-value farmland if:

1. It meets the other requirements of Subsections (A) and (B);
2. The lot or parcel is protected as high-value farmland as defined in Article 11;

3. The county hearings officer 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.
 - 1) For the purposes of this Section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrates that a lot or parcel cannot be practicably managed for farm use.
 - 2) Examples of "extraordinary circumstances inherent in the land or its physical setting" include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms.
 - 3) A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use;
 - b. The dwelling will comply with the provisions of 54.035; and
 - c. The dwelling will not materially alter the stability of the overall land use pattern in the area by applying the standards set forth in Subsection 54.055(C).
- D. Notwithstanding the requirements of Subsection 54.050(A)(5), a single-family dwelling may be sited on high-value farmland if:
 1. It meets the other requirements of Subsections (A) and (B);
 2. The tract on which the dwelling will be sited is:
 - a. Not high-value farmland defined in Article 11; and

- b. Twenty-one acres or less in size; and
- 3. The tract is bordered on at least 67 percent of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or
- 4. The tract is not a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary; or
- 5. The tract is a flaglot and is bordered on at least 25 percent of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract and on the same side of the public road that provides access to the subject tract. The governing body of a county must interpret the center of the subject tract as the geographic center of the flag lot if the applicant makes a written request for that interpretation and that interpretation does not cause the center to be located outside the flag lot. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary:
 - a. “Flaglot” means a tract containing a narrow strip or panhandle of land providing access from the public road to the rest of the tract.
 - b. “Geographic center of the flaglot” means the point of intersection of two perpendicular lines of which the first line crosses the midpoint of the longest side of a flaglot, at a 90-degree angle to the side, and the second line crosses the midpoint of the longest adjacent side of the flaglot.
- E. For purposes of Subsection (A), “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 a combination of these family members;
- F. The county assessor shall be notified that the governing body intends to allow the dwelling.

- G. An approved single-family dwelling under this Section may be transferred by a person who has qualified under this Section to any other person after the effective date of the land use decision.
- H. The county shall provide notice of all applications for lot of record dwellings on high value farmland to the State Department of Agriculture. Notice shall be provided in accordance with land use regulations and shall be mailed at least 20 calendar days prior to the public hearing.

54.055 – DWELLINGS NOT IN CONJUNCTION WITH FARM USE

Non-farm dwelling. A non-farm dwelling is subject to the following requirements:

- A. The dwelling or 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;
- B. Non-farm dwelling suitability standards.
 - 1. The dwelling, including essential or accessory improvements or structures, is situated upon a lot or parcel, or, in the case of an existing lot or parcel, upon 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 new parcel or portion of an existing lot or parcel shall not be considered unsuitable solely because of size or location if it can reasonably be put to farm or forest use in conjunction with other land; and
 - 2. A new parcel or portion of an existing lot or parcel is not "generally unsuitable" simply because it is too small to be farmed profitably by itself. If a parcel or portion of a lot or parcel can be sold, leased, rented or otherwise managed as a part of a commercial farm or ranch, then it is not "generally unsuitable". A new parcel or portion of an existing lot or parcel is presumed to be suitable if it is composed predominantly of Class I-VI soils. Just because a new parcel or portion of an existing lot or parcel is unsuitable for one farm use does not mean it is not suitable for another farm use; or

3. If the lot or parcel is under forest assessment, the dwelling shall be situated upon generally unsuitable land for the production of merchantable tree species recognized by the Forest Practices Rules, considering the terrain, adverse soil or land conditions, drainage and flooding, vegetation, location and size of the parcel. If a lot or parcel is under forest assessment, the area is not "generally unsuitable" simply 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". If a lot or parcel is under forest assessment, it is presumed suitable if it is composed predominantly of soils capable of producing 20 cubic feet of wood fiber per acre per year. If a lot or parcel is under forest assessment, to be found compatible and not seriously interfere with forest uses on surrounding land it must not force a significant change in forest practices or significantly increase the cost of those practices on the surrounding land;

C. The dwelling will not materially alter the stability of the overall land use pattern of the area. In determining whether a proposed nonfarm dwelling will alter the stability of the land use pattern in the area, a county shall consider the cumulative impact of nonfarm dwellings on other lots or parcels in the area similarly situated by applying the standards set forth in (1) through (3) below. If the application involves the creation of a new parcel for the nonfarm dwelling, a county shall consider whether creation of the parcel will lead to creation of other nonfarm parcels, to the detriment of agriculture in the area by applying the standards set forth in (1) through (3) below;

1. Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or nonresource uses shall not be included in the study area;

2. Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, nonfarm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of nonfarm/lot-of-record dwellings that could be approved under Subsection 54.050(A) and Section 54.055, including identification of predominant soil classifications, the parcels created prior to January 1, 1993 and the parcels larger than the minimum lot size that may be divided to create new parcels for nonfarm dwellings under ORS 215.263(4). The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible nonfarm dwellings under this Subsection; and
3. Determine whether approval of the proposed nonfarm/lot-of-record dwellings together with existing nonfarm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential nonfarm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and

D. If a single-family dwelling is established on a lot or parcel as set forth in Subsection 54.010(DD) or 55.020(Q), no additional dwelling may later be sited under the provisions of this Section.

54.060 – ALTERATION, RESTORATION OR REPLACEMENT OF A LAWFULLY-ESTABLISHED DWELLING

- A. A lawfully established dwelling may be altered, restored or replaced if, when an application for a permit is submitted, the permitting authority finds to its satisfaction, based on substantial evidence that:
1. The dwelling to be altered, restored or replaced has, or formerly had:
 - a. Intact exterior walls and roof structure;
 - b. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

- c. Interior wiring for interior lights;
 - d. A heating system; and
 - e. The dwelling was assessed as a dwelling for purposes of ad valorem taxation for the previous five property tax years, or, if the dwelling has existed for less than five years, from that time.
2. Notwithstanding Subsection 54.060(A)(1)(e), if the value of the dwelling was eliminated as a result of either of the following circumstances, the dwelling was assessed as a dwelling until such time as the value of the dwelling was eliminated:
- a. The destruction (i.e, by fire or natural hazard), or demolition in the case of restoration, of the dwelling; or
 - b. The applicant establishes to the satisfaction of the permitting authority that the dwelling was improperly removed from the tax roll by a person other than the current owner. "Improperly removed" means that the dwelling has taxable value in its present state, or had taxable value when the dwelling was first removed from the tax roll or was destroyed by fire or natural hazard, and the county stopped assessing the dwelling even though the current or former owner did not request removal of the dwelling from the tax roll.
- B. For replacement of a lawfully established dwelling under Subsection 54.010(GG):
- 1. The dwelling to be replaced must be removed, demolished or converted to an allowable nonresidential use:
 - a. Within one year after the date the replacement dwelling is certified for occupancy pursuant to ORS 455.055; or
 - b. If the dwelling to be replaced is, in the discretion of the permitting authority, in such a state of disrepair that the structure is unsafe for occupancy or constitutes an attractive nuisance, on or before a date set by the permitting authority that is not less than 90 days after the replacement permit is issued; and

- c. If a dwelling is removed by moving it off the subject parcel to another location, the applicant must obtain approval from the permitting authority for the new location.
 2. The applicant must cause to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.
 3. As a condition of approval, if the dwelling to be replaced is located on a portion of the lot or parcel that is not zoned for exclusive farm use, the applicant shall execute and cause to be recorded in the deed records of the county in which the property is located a deed restriction prohibiting the siting of another dwelling on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, chapter 462, Section 2 and ORS 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling.
- C. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling.
 1. The siting standards of Subsection (2) apply when a dwelling qualifies for replacement because the dwelling:
 - a. Formerly had the features described in Subsection 54.060(A)(1);
 - b. Was removed from the tax roll as described in Subsection 54.060(A)(2);
or
 - c. Had a permit that expired as described under Subsection 54.060(D)(3).
 2. The replacement dwelling must be sited on the same lot or parcel:
 - a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and

- b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.
 3. Replacement dwellings that currently have the features described in Subsection 54.060(A)(1) and that have been on the tax roll as described in Subsection 54.060(A)(2) may be sited on any part of the same lot or parcel.
- D. A replacement dwelling permit that is issued under 54.010(GG):
 1. Is a land use decision as defined in ORS 197.015 where the dwelling to be replaced:
 - a. Formerly had the features described in Subsection 54.060(A)(1); or
 - b. Was removed from the tax roll as described in Subsection 54.060(A)(2);
 2. Is not subject to the time to act limits of ORS 215.417; and
 3. If expired before January 1, 2014, shall be deemed to be valid and effective if, before January 1, 2015, the holder of the permit:
 - a. Removes, demolishes or converts to an allowable nonresidential use the dwelling to be replaced; and
 - b. Causes to be recorded in the deed records of the county a statement that the dwelling to be replaced has been removed, demolished or converted.

54.065 – WINERIES

- A. A winery may be established as a permitted use if the proposed winery will produce wine with a maximum annual production of:
 1. Less than 50,000 gallons and the winery owner:
 - a. Owns an on-site vineyard of at least 15 acres;
 - b. Owns a contiguous vineyard of at least 15 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 15 acres of a vineyard contiguous to the winery; or

- d. Obtains grapes from any combination of Subsection (a), (b), or (c); or
2. At least 50,000 gallons and the winery owner:
- a. Owns an on-site vineyard of at least 40 acres;
 - b. Owns a contiguous vineyard of at least 40 acres;
 - c. Has a long-term contract for the purchase of all of the grapes from at least 40 acres of a vineyard contiguous to the winery;
 - d. Owns an on-site vineyard of at least 15 acres on a tract of at least 40 acres and owns at least 40 additional acres of vineyards in Oregon that are located within 15 miles of the winery site; or
 - e. Obtains grapes from any combination of Subsection (a), (b), (c) or (d).
- B. In addition to producing and distributing wine, a winery established under this Section may:
- 1. Market and sell wine produced in conjunction with the winery.
 - 2. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - a. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - b. Wine club activities;
 - c. Winemaker luncheons and dinners;
 - d. Winery and vineyard tours;
 - e. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - f. Winery staff activities;
 - g. Open house promotions of wine produced in conjunction with the winery; and

- E. A winery may carry out up to 18 days of agri-tourism or other commercial events annually on the tract occupied by the winery. If a winery conducts agri-tourism or other commercial events authorized under this Section, the winery may not conduct agri-tourism or other commercial events or activities authorized by Subsections 54.070(A) to (D). The requirements of the Agri-tourism permit must be met.
- F. A winery operating under this Section shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
- G. Events described in 54.065(E) are subject to the requirements of Section 54.070(H), Agri-Tourism and other Commercial Events or Activities permit.
- H. Prior to the issuance of a permit to establish a winery under Subsection 54.065(A), the applicant shall show that vineyards described in Subsection 54.065(A) have been planted or that the contract has been executed, as applicable.
- I. Standards imposed on the siting of a winery shall be limited solely to each of the following for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands:
 - 1. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places unless the local government grants an adjustment or variance allowing a setback of less than 100 feet; and
 - 2. Provision of direct road access and internal circulation.
- J. In addition to a winery permitted in Subsections 54.065(A) to 54.065(I), a winery may be established if:
 - 1. The winery owns and is sited on a tract of 80 acres or more, at least 50 acres of which is a vineyard;
 - 2. The winery owns at least 80 additional acres of planted vineyards in Oregon that need not be contiguous to the acreage described in Subsection 54.065(J)(1); and
 - 3. The winery has produced annually, at the same or a different location, at least 150,000 gallons of wine in at least three of the five calendar years before the winery is established under this Subsection.

- K. In addition to producing and distributing wine, a winery described in Subsection 54.065(J) may:
1. Market and sell wine produced in conjunction with the winery;
 2. Conduct operations that are directly related to the sale or marketing of wine produced in conjunction with the winery, including:
 - a. Wine tastings in a tasting room or other location on the premises occupied by the winery;
 - b. Wine club activities;
 - c. Winemaker luncheons and dinners;
 - d. Winery and vineyard tours;
 - e. Meetings or business activities with winery suppliers, distributors, wholesale customers and wine-industry members;
 - f. Winery staff activities;
 - g. Open house promotions of wine produced in conjunction with the winery; and
 - h. Similar activities conducted for the primary purpose of promoting wine produced in conjunction with the winery;
 3. Market and sell items directly related to the sale or promotion of wine produced in conjunction with the winery, the marketing and sale of which is incidental to retail sale of wine on-site, including food and beverages:
 - a. Required to be made available in conjunction with the consumption of wine on the premises by the Liquor Control Act or rules adopted under the Liquor Control Act; or
 - b. Served in conjunction with an activity authorized by Subsection 54.065(K)(2)(b) (d), or (e);
 4. Provide services, including agri-tourism or other commercial events, hosted by the winery or patrons of the winery, at which wine produced in conjunction with the winery is featured, that:

- a. Are directly related to the sale or promotion of wine produced in conjunction with the winery;
- b. Are incidental to the retail sale of wine on-site; and
- c. Are limited to 25 days or fewer in a calendar year; and
- d. Host charitable activities for which the winery does not charge a facility rental fee.

L. Income requirements:

1. The gross income of the winery from the sale of incidental items pursuant to Subsection 54.065(K)(3) and services provided pursuant to Subsection 54.065(K)(4) may not exceed 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery.
2. At the request of a local government with land use jurisdiction over the site of a winery, the winery shall submit to the local government a written statement, prepared by a certified public accountant, that certifies compliance with Subsection (1) for the previous tax year.

M. A winery permitted under Subsection (J):

1. Shall provide parking for all activities or uses of the lot, parcel or tract on which the winery is established.
2. May operate a restaurant, as defined in ORS 624.010, in which food is prepared for consumption on the premises of the winery.

N. Permit requirements:

1. A winery shall obtain a permit if the winery operates a restaurant that is open to the public for more than 25 days in a calendar year or provides for agri-tourism or other commercial events authorized under Subsection 54.065(K)(4) occurring on more than 25 days in a calendar year.
2. In addition to any other requirements, a local government may approve a permit application under this Subsection if the local government finds that the authorized activity:
 - a. Complies with the standards described in Subsections 54.035(A) and (B);

- b. Is incidental and subordinate to the retail sale of wine produced in conjunction with the winery; and
 - c. Does not materially alter the stability of the land use pattern in the area.
- 3. If the local government issues a permit under this Subsection for agri-tourism or other commercial events, the local government shall review the permit at least once every five years and, if appropriate, may renew the permit.
- O. A person may not have a substantial ownership interest in more than one winery operating a restaurant, as permitted in Subsection (M).
- P. Prior to the issuance of a permit to establish a winery under Subsection (J), the applicant shall show that vineyards described in Subsection (J) have been planted.
- Q. A winery operating under Subsection (J) shall provide for:
 - 1. Establishment of a setback of at least 100 feet from all property lines for the winery and all public gathering places; and
 - 2. Direct road access and internal circulation.
- R. A winery operating under Subsection 54.065(J) may receive a permit to host outdoor concerts for which admission is charged, facility rentals or celebratory events if the winery received a permit in similar circumstances before August 2, 2011.
- S. As used in this Section:
 - 1. "Agri-tourism or other commercial events" includes outdoor concerts for which admission is charged, educational, cultural, health or lifestyle events, facility rentals, celebratory gatherings and other events at which the promotion of wine produced in conjunction with the winery is a secondary purpose of the event.
 - 2. "On-site retail sale" includes the retail sale of wine in person at the winery site, through a wine club or over the Internet or telephone.

54.070 – AGRITOURISM AND OTHER COMMERCIAL EVENTS

The following agri-tourism and other commercial events or activities that are related to and supportive of agriculture may be established:

- A. A single agri-tourism or other commercial event or activity on a tract in a calendar year that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract, if the agri-tourism or other commercial event or activity meets any local standards that apply and:
1. The agri-tourism or other commercial event or activity is incidental and subordinate to existing farm use on the tract;
 2. The duration of the agri-tourism or other commercial event or activity does not exceed 72 consecutive hours;
 3. The maximum attendance at the agri-tourism or other commercial event or activity does not exceed 500 people;
 4. The maximum number of motor vehicles parked at the site of the agri-tourism or other commercial event or activity does not exceed 250 vehicles;
 5. The agri-tourism or other commercial event or activity complies with the standards described in Subsections 54.035(A) and (B);
 6. The agri-tourism or other commercial event or activity occurs outdoors, in temporary structures, or in existing permitted structures, subject to health and fire and life safety requirements; and
 7. The agri-tourism or other commercial event or activity complies with conditions established for:
 - a. Access, egress and parking consistent with Articles 68 and 71;
 - b. A traffic management plan that identifies the projected number of vehicles and any anticipated use of public roads consistent with Article 71;
 - c. Sanitation and solid waste consistent with Articles 74 and 75; and
 - d. Must comply with the requirements in 54.070(B).

B. In the alternative to Subsections (A) and (C), the county may authorize, through an expedited, single-event license, a single agri-tourism or other commercial event or activity on a tract in a calendar year by an expedited, single-event license that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. A decision concerning an expedited, single-event license is not a land use decision, as defined in ORS 197.015. To approve an expedited, single-event license, the governing body of a county or its designee must determine that the proposed agri-tourism or other commercial event or activity meets any local standards that apply, and the agri-tourism or other commercial event or activity:

1. Must be incidental and subordinate to existing farm use on the tract;
2. May not begin before 6 a.m. or end after 10 p.m.;
3. May not involve more than 100 attendees or 50 vehicles;
4. May not include the artificial amplification of music or voices before 8 a.m. or after 8 p.m.;
5. May not require or involve the construction or use of a new permanent structure in connection with the agri-tourism or other commercial event or activity;
6. Must be located on a tract of at least 10 acres unless the owners or residents of adjoining properties consent, in writing, to the location; and
7. Must comply with applicable health and fire and life safety requirements.

C. In the alternative to Subsections (A) and (B), the county may authorize up to six agri-tourism or other commercial events or activities on a tract in a calendar year by a limited use permit that is personal to the applicant and is not transferred by, or transferable with, a conveyance of the tract. The agri-tourism or other commercial events or activities must meet any local standards that apply, and the agri-tourism or other commercial events or activities:

1. Must be incidental and subordinate to existing farm use on the tract;
2. May not, individually, exceed a duration of 72 consecutive hours;

3. May not require that a new permanent structure be built, used or occupied in connection with the agri-tourism or other commercial events or activities;
 4. Must comply with the standards described in Subsections 54.035(A) and (B);
 5. May not, in combination with other agri-tourism or other commercial events or activities authorized in the area, materially alter the stability of the land use pattern in the area; and
 6. Must comply with conditions established for:
 - a. The types of agri-tourism or other commercial events or activities that are authorized during each calendar year, including the number and duration of the agri-tourism or other commercial events and activities, the anticipated daily attendance and the hours of operation;
 - b. The location of existing structures and the location of proposed temporary structures to be used in connection with the agri-tourism or other commercial events or activities;
 - c. The location of access and egress and parking facilities to be used in connection with the agri-tourism or other commercial events or activities;
 - d. Traffic management, including the projected number of vehicles and any anticipated use of public roads; and
 - e. Sanitation and solid waste
 - f. Must comply with the requirements of 54.070(H)
 7. A permit authorized by this Subsection shall be valid for two calendar years. When considering an application for renewal, the county shall ensure compliance with the provisions of Subsection (C), any local standards that apply and conditions that apply to the permit or to the agri-tourism or other commercial events or activities authorized by the permit.
- D. In addition to Subsections (A) to (C), the county may authorize agri-tourism or other commercial events or activities that occur more frequently or for a longer period or that do not otherwise comply with Subsections (A) to (C) if the agri-tourism or other commercial events or activities comply with any local standards that apply and the agri-tourism or other commercial events or activities:

1. Are incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area;
 2. Comply with the requirements of 54.070(C)(3), (4), (5), and (6);
 3. Occur on a lot or parcel that complies with the acknowledged minimum lot or parcel size; and
 4. Do not exceed 18 events or activities in a calendar year.
- E. A holder of a permit authorized by a county under Subsection (D) must request review of the permit at four-year intervals. Upon receipt of a request for review, the county shall:
1. Provide public notice and an opportunity for public comment as part of the review process; and
 2. Limit its review to events and activities authorized by the permit, conformance with conditions of approval required by the permit and the standards established by Subsection (D).
- F. Temporary structures established in connection with agri-tourism or other commercial events or activities may be permitted. The temporary structures must be removed at the end of the agri-tourism or other event or activity. Alteration to the land in connection with an agri-tourism or other commercial event or activity including, but not limited to, grading, filling or paving, are not permitted.
- G. The authorizations provided by Section are in addition to other authorizations that may be provided by law, except that “outdoor mass gathering” and “other gathering,” as those terms are used in ORS 197.015 (10)(d), do not include agri-tourism or other commercial events and activities.
- H. Conditions of Approval. Agri-tourism and other commercial events permitted under Subsections (C) and (D) are subject to the following standards and criteria:
1. A permit application for an agri-tourism or other commercial event or activity shall include the following:

- a. A description of the type of agri-tourism or commercial events or activities that are proposed, including the number and duration of the events and activities, the anticipated daily attendance and the hours of operation and, for events not held at wineries, how the agri-tourism and other commercial events or activities will be related to and supportive of agriculture and incidental and subordinate to the existing farm use of the tract.
- b. The types and locations of all existing and proposed temporary structures, access and egress, parking facilities, sanitation and solid waste facilities to be used in connection with the agri-tourism or other commercial events or activities;
- c. Authorization to allow inspection of the event premises. The applicant shall provide in writing a consent to allow law enforcement, public health, and fire control officers and code enforcement staff to come upon the premises for which the permit has been granted for the purposes of inspection and enforcement of the terms and conditions of the permit and the Exclusive Farm Use Zone and any other applicable laws or ordinances.

2. Approval Criteria.

- a. The area in which the agri-tourism or other commercial events or activities are located shall be setback at least 100 feet from the property line.
- b. No more than two agri-tourism or commercial events or activities may occur in one month.
- c. The maximum number of people shall not exceed 500 per calendar day.
- d. Noise Control:
 - 1) All noise, including the use of a sound producing device such as, but not limited to, loud speakers and public address systems, musical instruments that are amplified or unamplified, shall be in compliance with applicable state regulations.

- 2) A standard sound level meter or equivalent, in good condition, that provides a weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighting network and reported as dBA shall be available on-site at all times during agri-tourism and other commercial events or activities.

e. Transportation Management

- 1) Adequate traffic control must be provided by the property owner and must include one traffic control person for each 250 persons expected or reasonably expected to be in attendance at any time. All traffic control personnel shall be certified by the State of Oregon and shall comply with the current edition of the Manual of Uniform Traffic Control Devices.
- 2) Adequate off-street parking will be provided pursuant to provisions of the Article 68.

f. Health and Safety Compliance

- 1) Sanitation facilities shall include, at a minimum, portable restroom facilities and stand-alone hand washing stations.
- 2) All permanent and temporary structures and facilities are subject to fire, health and life safety requirements, and shall comply with all requirements of the County Building Department any other applicable federal, state and local laws.
- 3) Compliance with the requirements of the County Building Department shall include meeting all building occupancy classification requirements of the State of Oregon adopted building code.

54.075 – COMMERCIAL FACILITIES FOR GENERATING POWER

A. Commercial Power Generating Facility.

1. Permanent features of a power generation facility shall not preclude more than:

- a. 12 acres from use as a commercial agricultural enterprise on high value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4; or
 - b. 20 acres from use as a commercial agricultural enterprise on land other than high-value farmland unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4.
2. A power generation facility may include on-site and off-site facilities for temporary workforce housing for workers constructing a power generation facility. Such facilities must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

B. Wind Power Generation Facility.

1. For purposes of this ordinance a wind power generation facility includes, but is not limited to, the following system components: all wind turbine towers and concrete pads, permanent meteorological towers and wind measurement devices, electrical cable collection systems connecting wind turbine towers with the relevant power substation, new or expanded private roads (whether temporary or permanent) constructed to serve the wind power generation facility, office and operation and maintenance buildings, temporary lay-down areas and all other necessary appurtenances, including but not limited to on-site and off-site facilities for temporary workforce housing for workers constructing a wind power generation facility.
 - a. Temporary workforce housing described in Subsection 54.075(A)(2) must be removed or converted to an allowed use under OAR 660-033-0130(19) or other statute or rule when project construction is complete.
 - b. Temporary workforce housing facilities not included in the initial approval may be considered through a minor amendment request filed after a decision to approve a power generation facility. A minor amendment request shall be subject to 660-033-0130(5) and shall have no effect on the original approval.

2. For wind power generation facility proposals on high-value farmland soils, as described at ORS 195.300(10), the governing body or its designate must find that all of the following are satisfied:
 - a. Reasonable alternatives have been considered to show that siting the wind power generation facility or component thereof on high-value farmland soils is necessary for the facility or component to function properly or if a road system or turbine string must be placed on such soils to achieve a reasonably direct route considering the following factors:
 - 1) Technical and engineering feasibility;
 - 2) Availability of existing rights of way; and
 - 3) The long-term environmental, economic, social and energy consequences of siting the facility or component on alternative sites, as determined under Subsection (b);
 - b. The long-term environmental, economic, social and energy consequences resulting from the wind power generation facility or any components thereof at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located on other agricultural lands that do not include high-value farmland soils;
 - c. Costs associated with any of the factors listed in Subsection (a) may be considered, but costs alone may not be the only consideration in determining that siting any component of a wind power generation facility on high-value farmland soils is necessary;
 - d. The owner of a wind power generation facility approved under Subsection (2) shall be responsible for restoring, as nearly as possible, to its former condition any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this Subsection shall prevent the owner of the facility from requiring a bond or other security from a contractor or otherwise imposing on a contractor the responsibility for restoration; and
 - e. The criteria of Subsection (3) are satisfied.

3. For wind power generation facility proposals on arable lands, meaning lands that are cultivated or suitable for cultivation, including high-value farmland soils described at ORS 195.300(10), the governing body or its designate must find that:
 - a. The proposed wind power facility will not create unnecessary negative impacts on agricultural operations conducted on the subject property. Negative impacts could include, but are not limited to, the unnecessary construction of roads, dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing wind farm components such as meteorological towers on lands in a manner that could disrupt common and accepted farming practices;
 - b. The presence of a proposed wind power facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
 - c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval; and
 - d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weeds species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval.

4. For wind power generation facility proposals on nonarable lands, meaning lands that are not suitable for cultivation, the requirements of Subsection 54.075(B)(3)(d) are satisfied.
 5. In the event that a wind power generation facility is proposed on a combination of arable and nonarable lands as described in Subsections (3) and (4), the approval criteria of Subsection (3) shall apply to the entire project.
- C. Photovoltaic Solar Power Generation Facility. A proposal to site a photovoltaic solar power generation facility shall be subject to the following definitions and provisions:
1. “Arable land” means land in a tract that is predominantly cultivated or, if not currently cultivated, predominantly comprised of arable soils.
 2. “Arable soils” means soils that are suitable for cultivation as determined by the governing body or its designate based on substantial evidence in the record of a local land use application, but “arable soils” does not include high-value farmland soils described at ORS 195.300(10) unless otherwise stated.
 3. “Nonarable land” means land in a tract that is predominantly not cultivated and predominantly comprised of nonarable soils.
 4. “Nonarable soils” means soils that are not suitable for cultivation. Soils with an NRCS agricultural capability class V–VIII and no history of irrigation shall be considered nonarable in all cases. The governing body or its designate may determine other soils, including soils with a past history of irrigation, to be nonarable based on substantial evidence in the record of a local land use application.

5. "Photovoltaic solar power generation facility" includes, but is not limited to, an assembly of equipment that converts sunlight into electricity and then stores, transfers, or both, that electricity. This includes photovoltaic modules, mounting and solar tracking equipment, foundations, inverters, wiring, storage devices and other components. Photovoltaic solar power generation facilities also include electrical cable collection systems connecting the photovoltaic solar generation facility to a transmission line, all necessary grid integration equipment, new or expanded private roads constructed to serve the photovoltaic solar power generation facility, office, operation and maintenance buildings, staging areas and all other necessary appurtenances. For purposes of applying the acreage standards of this Section, a photovoltaic solar power generation facility includes all existing and proposed facilities on a single tract, as well as any existing and proposed facilities determined to be under common ownership on lands with fewer than 1320 feet of separation from the tract on which the new facility is proposed to be sited. Projects connected to the same parent company or individuals shall be considered to be in common ownership, regardless of the operating business structure. A photovoltaic solar power generation facility does not include a net metering project established consistent with ORS 757.300 and OAR chapter 860, division 39 or a Feed-in-Tariff project established consistent with ORS 757.365 and OAR chapter 860, division 84.
6. For high-value farmland described at ORS 195.300(10), a photovoltaic solar power generation facility shall not preclude more than 12 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
 - a. The proposed photovoltaic solar power generation facility will not create unnecessary negative impacts on agricultural operations conducted on any portion of the subject property not occupied by project components. Negative impacts could include, but are not limited to, the unnecessary construction of roads dividing a field or multiple fields in such a way that creates small or isolated pieces of property that are more difficult to farm, and placing photovoltaic solar power generation facility project components on lands in a manner that could disrupt common and accepted farming practices;

- b. The presence of a photovoltaic solar power generation facility will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property. This provision may be satisfied by the submittal and county approval of a soil and erosion control plan prepared by an adequately qualified individual, showing how unnecessary soil erosion will be avoided or remedied and how topsoil will be stripped, stockpiled and clearly marked. The approved plan shall be attached to the decision as a condition of approval;
- c. Construction or maintenance activities will not result in unnecessary soil compaction that reduces the productivity of soil for crop production. This provision may be satisfied by the submittal and county approval of a plan prepared by an adequately qualified individual, showing how unnecessary soil compaction will be avoided or remedied in a timely manner through deep soil decompaction or other appropriate practices. The approved plan shall be attached to the decision as a condition of approval;
- d. Construction or maintenance activities will not result in the unabated introduction or spread of noxious weeds and other undesirable weed species. This provision may be satisfied by the submittal and county approval of a weed control plan prepared by an adequately qualified individual that includes a long-term maintenance agreement. The approved plan shall be attached to the decision as a condition of approval;
- e. The project is not located on high-value farmland soils unless it can be demonstrated that:
 - 1) Non high-value farmland soils are not available on the subject tract;
 - 2) Siting the project on non high-value farmland soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - 3) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of non high-value farmland soils; and

- f. A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - 1) If fewer than 48 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area, no further action is necessary.
 - 2) When at least 48 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities within the study area, the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland or acquire water rights, or will reduce the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.
- 7. For arable lands, a photovoltaic solar power generation facility shall not preclude more than 20 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
 - a. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - 1) Nonarable soils are not available on the subject tract;
 - 2) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or
 - 3) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract than other possible sites also located on the subject tract, including those comprised of nonarable soils;

- b. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10) unless an exception is taken pursuant to 197.732 and OAR chapter 660, division 4;
 - c. A study area consisting of lands zoned for exclusive farm use located within one mile measured from the center of the proposed project shall be established and:
 - 1) If fewer than 80 acres of photovoltaic solar power generation facilities have been constructed or received land use approvals and obtained building permits within the study area no further action is necessary.
 - 2) When at least 80 acres of photovoltaic solar power generation have been constructed or received land use approvals and obtained building permits, either as a single project or as multiple facilities, within the study area the local government or its designate must find that the photovoltaic solar energy generation facility will not materially alter the stability of the overall land use pattern of the area. The stability of the land use pattern will be materially altered if the overall effect of existing and potential photovoltaic solar energy generation facilities will make it more difficult for the existing farms and ranches in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area; and
 - d. The requirements of Subsections 54.075(C)(6)(a), (b), (c), and (d) are satisfied.
8. For nonarable lands, a photovoltaic solar power generation facility shall not preclude more than 320 acres from use as a commercial agricultural enterprise unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4. The governing body or its designate must find that:
- a. The project is not located on high-value farmland soils or arable soils unless it can be demonstrated that:
 - 1) Siting the project on nonarable soils present on the subject tract would significantly reduce the project's ability to operate successfully; or

- 2) The proposed site is better suited to allow continuation of an existing commercial farm or ranching operation on the subject tract as compared to other possible sites also located on the subject tract, including sites that are comprised of nonarable soils;
- b. No more than 12 acres of the project will be sited on high-value farmland soils described at ORS 195.300(10);
 - c. No more than 20 acres of the project will be sited on arable soils unless an exception is taken pursuant to ORS 197.732 and OAR chapter 660, division 4;
 - d. The requirements of Subsection 54.075(C)(6)(d) are satisfied;
 - e. If a photovoltaic solar power generation facility is proposed to be developed on lands that contain a Goal 5 resource protected under the county's comprehensive plan, and the plan does not address conflicts between energy facility development and the resource, the applicant and the county, together with any state or federal agency responsible for protecting the resource or habitat supporting the resource, will cooperatively develop a specific resource management plan to mitigate potential development conflicts. If there is no program present to protect the listed Goal 5 resource(s) present in the local comprehensive plan or implementing ordinances and the applicant and the appropriate resource management agency(ies) cannot successfully agree on a cooperative resource management plan, the county is responsible for determining appropriate mitigation measures; and

- f. If a proposed photovoltaic solar power generation facility is located on lands where the potential exists for adverse effects to state or federal special status species (threatened, endangered, candidate, or sensitive), or to wildlife species of concern identified and mapped by the Oregon Department of Fish and Wildlife (including big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs), the applicant shall conduct a site-specific assessment of the subject property in consultation with all appropriate state, federal, and tribal wildlife management agencies. A professional biologist shall conduct the site-specific assessment by using methodologies accepted by the appropriate wildlife management agency and shall determine whether adverse effects to special status species or wildlife species of concern are anticipated. Based on the results of the biologist's report, the site shall be designed to avoid adverse effects to state or federal special status species or to wildlife species of concern as described above. If the applicant's site-specific assessment shows that adverse effects cannot be avoided, the applicant and the appropriate wildlife management agency will cooperatively develop an agreement for project-specific mitigation to offset the potential adverse effects of the facility. Where the applicant and the resource management agency cannot agree on what mitigation will be carried out, the county is responsible for determining appropriate mitigation, if any, required for the facility.
 - g. The provisions of Subsection 54.075(C)(8)(f) are repealed on January 1, 2022.
9. The project owner shall sign and record in the deed records for the county a document binding the project owner and the project owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices as defined in ORS 30.930(2) and (4).
 10. Nothing in this Section shall prevent the county from requiring a bond or other security from a developer or otherwise imposing on a developer the responsibility for retiring the photovoltaic solar power generation facility.

54.080 – LAND DIVISIONS

A. Minimum Parcel Size.

1. EFU-C Parcels are at least 80 acres in size.
 2. EFU-CG Parcels are at least 80 acres in size.
 3. EFU-G Parcels are at least 160 acres in size
- B. A division of land to accommodate a use permitted by Section 54.015, except a residential use, smaller than the minimum parcel size provided in Subsection (A) may be approved if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- C. A division of land to create up to two new parcels smaller than the minimum size established under Subsection (A), each to contain a dwelling not provided in conjunction with farm use, may be permitted if:
1. The nonfarm dwellings have been approved under Subsection 54.055;
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that complies with the minimum size in Subsection (A); and
 4. The remainder of the original lot or parcel that does not contain the nonfarm dwellings complies with the minimum size in Subsection (A).
- D. A division of land to divide a lot or parcel into two parcels, each to contain one dwelling not provided in conjunction with farm use, may be permitted if:
1. The nonfarm dwellings have been approved under Subsection 54.055;
 2. The parcels for the nonfarm dwellings are divided from a lot or parcel that was lawfully created prior to July 1, 2001;
 3. The parcels for the nonfarm dwellings are divided from a lot or parcel that is equal to or smaller than the minimum size in Subsection (A) but equal to or larger than 40 acres;
 4. The parcels for the nonfarm dwellings are:
 - a. Not capable of producing more than at least 20 cubic feet per acre per year of wood fiber; and

- b. Either composed of at least 90 percent Class VII and 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. The Land Conservation and Development Commission, in cooperation with the State Department of Agriculture and other interested persons, may establish by rule objective criteria for identifying units of land that are not capable of producing adequate herbaceous forage for grazing livestock. In developing the criteria, the commission shall use the latest information from the United States Natural Resources Conservation Service and consider costs required to utilize grazing lands that differ in acreage and productivity level; and
5. The parcels for the nonfarm dwellings do not have established water rights for irrigation.
- E. This Section does not apply to the creation or sale of cemetery lots, if a cemetery is within the boundaries designated for a farm use zone at the time the zone is established.
 - F. This Section does not apply to divisions of land resulting from lien foreclosures or divisions of land resulting from foreclosure of recorded contracts for the sale of real property.
 - G. This Section does not allow a division or property line adjustment of a lot or parcel that separates a use described in 54.010(BB), 54.015(C), or 54.015(G) from the lot or parcel on which the primary residential use exists.
 - H. This Section does not allow a division or property line adjustment of a lot or parcel that separates a processing facility from the farm operation specified in Section 54.010(P).
 - I. A division of land may be permitted to create a parcel with an existing dwelling to be used:
 1. As a residential home as described in ORS 197.660 (2) only if the dwelling has been approved under Section 54.055; and
 2. For historic property that meets the requirements of Section 54.010(FF).
 - J. Notwithstanding the minimum lot or parcel size described in Subsection (A),

1. A division of land may be approved provided:
 - a. The land division is for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase at least one of the resulting parcels; and
 - b. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel.
 2. A parcel created pursuant to this Subsection that does not contain a dwelling:
 - a. Is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b. May not be considered in approving or denying an application for siting any other dwelling;
 - c. May not be considered in approving a redesignation or rezoning of forestlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and
 - d. May not be smaller than 25 acres unless the purpose of the land division is to facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan or to allow a transaction in which at least one party is a public park or open space provider, or a not-for-profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property.
- K. A division of land smaller than the minimum lot or parcel size in Subsection (A) may be approved provided:
1. The division is for the purpose of establishing a church, including cemeteries in conjunction with the church;
 2. The church has been approved under Subsection 54.010(Z);
 3. The newly created lot or parcel is not larger than five acres; and

4. The remaining lot or parcel, not including the church, meets the minimum lot or parcel size described in Subsection (A) either by itself or after it is consolidated with another lot or parcel.
- L. Notwithstanding the minimum lot or parcel size described Subsection (A), a division for the nonfarm uses set out in Subsection 54.010(L) if the parcel for the nonfarm use is not larger than the minimum size necessary for the use.
- M. The governing body of a county may not approve a division of land for nonfarm use under Subsection (B), (C), (D), (I), (J), (K), or (L) unless any additional tax imposed for the change in use has been paid.
- N. Parcels used or to be used for training or stabling facilities may not be considered appropriate to maintain the existing commercial agricultural enterprise in an area where other types of agriculture occur.
- O. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for agricultural uses and is smaller than the minimum parcel size, provided that:
 1. If the parcel contains a dwelling, the parcel must be large enough to support the continued residential use.
 2. If the parcel does not contain a dwelling, it:
 - a. Is not eligible for siting a dwelling, except as may be authorized in ORS 195.120;
 - b. May not be considered in approving or denying an application for any other dwelling; and
 - c. May not be considered in approving a redesignation or rezoning of agricultural lands, except to allow a public park, open space, or other natural resource use.

54.085 – DEVELOPMENT STANDARDS

All dwellings and structures approved pursuant to Article 54 shall be sited in accordance with this Section.

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 Setbacks – 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.

55.015 – OUTRIGHT USES

- A. Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash.
- B. Temporary on-site structures that are auxiliary to and used during the term of a particular forest operation.
- C. Physical alterations to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.
- D. Uses to conserve soil, air and water quality and to provide for wildlife and fisheries 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 service hookups.
- G. Exploration for mineral and aggregate resources as defined in ORS chapter 517.
- H. Water intake facilities, canals and distribution lines for farm irrigation and ponds.

55.020 – PERMITTED USES

In the Forest zone, the following uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this ordinance as well as the general standards for the zone and any other applicable siting and design standards and review process in the zoning ordinance:

- A. Temporary portable facility for the primary processing of forest products.
- B. Climbing and passing lanes within the right of way existing as of July 1, 1987.
- C. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
- D. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
- E. 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.
- F. Private hunting and fishing operations without any lodging accommodations.
- G. Towers and fire stations for forest fire protection.
- H. Uninhabitable structures accessory to fish and wildlife enhancement.
- I. Temporary forest labor camps.
- J. 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.
- K. An outdoor mass gathering of more than 1,000 persons that is not anticipated to continue for more than 120 hours in any three-month period, as provided in ORS 433.735 and subject to Section 42.055.
- L. An agricultural building, as defined in ORS 455.315, customarily provided in conjunction with farm use or forest use. A person may not convert an agricultural building authorized by this section to another use.
- M. Destination resorts, subject to ORS 197.435 to 197-467, Goal 8 and Article 88. This use is subject to the Planning Commission Review Procedure pursuant to Article 26.
- N. Youth camps subject to Section 55.050. This use is subject to Type II Administrative Review Procedure pursuant to Article 22.
- O. Caretaker residences for public parks and public fish hatcheries subject to Subsection 55.030(L).
- P. A large tract forest dwelling subject to Subsection 55.030(A) and 55.030(L). This use is subject to a Type II Administrative Review pursuant to Article 22.

- Q. A lot of record dwelling subject to Subsections 55.030(B) and 55.030(L). This use is subject to the Administrative Review Procedure pursuant to Article 22.
- R. A template dwelling subject to Subsection 55.030(C) and 55.030(L). This use is subject to the Administrative Review Procedure pursuant to Article 22.
- S. Alteration, restoration or replacement of a lawfully established dwelling subject to Subsections 55.030(D) and 55.030(L).

55.025 – CONDITIONAL USES

In the Forest zone, except where specifically noted, the following uses and their accessory buildings and uses are permitted subject to Conditional Use Permit procedures in Article 44, any specific standards for the use set forth in Section 55.030, the conditional use review criteria in Section 55.035 in place of those contained in Article 44.030 and the general standards for the zone and any other applicable standards and review process in the zoning ordinance:

- A. Log scaling and weigh stations. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- B. Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- C. A manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative subject to Subsection 55.030(E). This use shall be reviewed as a temporary use permit as required by LDC Article 42.
- D. Parking of up to seven dump trucks and seven trailers. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- E. Home occupations subject to Subsection 55.030(E) (See Article 85)
- F. Permanent facility for the primary processing of forest products subject to 55.030(M). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- G. Permanent logging equipment repair and storage. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- H. Private seasonal accommodations for fee hunting operations subject to Subsection 55.030(F). This use is subject to the Type II Administrative Procedure pursuant to Article 22.

- I. Private accommodations for fishing occupied on a temporary basis may be allowed subject to Subsection 55.030(G). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- J. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection (S) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
- K. Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- L. Transportation improvements on rural lands allowed by and subject to the requirements of OAR 660-012-0065.
- M. Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.
- N. 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.
- O. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.
- P. Expansion of existing airports.
- Q. Television, microwave and radio communication facilities and transmission towers. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- R. New electric transmission lines with right of way widths of up to 100 feet as specified in ORS 772.210. New distribution lines (e.g., gas, oil, geothermal, telephone, fiber optic cable) with rights-of-way 50 feet or less in width.
- S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- T. Reservoirs and water impoundments. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- U. Disposal site for solid waste approved by the governing body of a city or county or both and 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, subject to 55.030(I).

- V. Commercial utility facilities for the purpose of generating power subject to Subsection 55.030(H).
- W. Aids to navigation and aviation. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- X. Firearms training facility as provided in ORS 197.770(2). This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Y. Fire stations for rural fire protection. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- Z. Cemeteries. This use is subject to the Type II Administrative Procedure pursuant to Article 22.
- AA. Public parks subject to Subsection 55.030(J).
- BB. Private parks and campgrounds subject to Subsection 55.030(K).

55.030 – USE STANDARDS

- A. A large tract forest dwelling authorized under ORS 215.740 may be allowed on land zoned for forest use if it is sited on a tract that does not include a dwelling and complies with other provisions of law, including the following:
 - 1. The tract is at least 240 contiguous acres or 320 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use. A deed restriction shall be filed pursuant to paragraph (3) for all tracts that are used to meet the acreage requirements of this subsection.
 - 2. A tract shall not be considered to consist of less than 240 acres because it is crossed by a public road or a waterway.
 - 3. Where one or more lots or parcels are required to meet minimum acreage requirements:
 - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- B. Lot of record dwelling

1. The lot or parcel on which the dwelling will be sited was lawfully created and was acquired and owned continuously by the present owner as defined in paragraph (4):
 - a. Since prior to January 1, 1985; or
 - b. By devise or by intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.
 2. The tract on which the dwelling will be sited does not include a dwelling;
 3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, no dwelling exists on another lot or parcel that was part of that tract.
 4. For purposes of this subsection, "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.
 5. The dwelling must be located on a tract 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 landowners adjacent to the road, a local government or a state agency.
 6. 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 regulations intended to protect the habitat are based; and
 7. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel when the dwelling is allowed.
- C. A single family "template" dwelling authorized under ORS 215.750 on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:
1. Capable of producing zero to 20 cubic feet per acre per year of wood fiber if:

- a. All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
2. Capable of producing 21 to 50 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
3. Capable of producing more than 50 cubic feet per acre per year of wood fiber if:
 - a. All or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and
 - b. At least three dwellings existed on January 1, 1993 and continue to exist on the other lots or parcels.
4. Lots or parcels within urban growth boundaries shall not be used to satisfy eligibility requirements.
5. Except as provided by paragraph (6), if the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160 acre rectangle that is one mile long and 1/4 mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road.
6. The following applies where a tract 60 acres or larger abuts a road or perennial stream.
 - a. The measurement shall be made in accordance with paragraph (5). However, one of the three required dwellings shall be on the same side of the road or stream as the tract, and:
 - 1) Be located within a 160-acre rectangle that is one mile long and one-quarter mile wide centered on the center of the subject tract and that is, to the maximum extent possible aligned with the road or stream; or
 - 2) Be within one-quarter mile from the edge of the subject tract but not outside the length of the 160 acre rectangle, and on the same side of the road or stream as the tract.
 - b. If a road crosses the tract on which the dwelling will be located, at least one of the three required dwellings shall be on the same side of the road as the proposed dwelling.

- c. A dwelling is in the 160-acre template if any part of the dwelling is in the 160-acre template.
- 7. A proposed "template" dwelling under this ordinance is not allowed:
 - a. If it is prohibited by or will not comply with the requirements of an acknowledged comprehensive plan, acknowledged land use regulations, or other provisions of law;
 - b. Unless it complies with the requirements of Sections 55.040 and 55.045;
 - c. Unless no dwellings are allowed on other lots or parcels that make up the tract and deed restrictions established under paragraph 55.030(A)(3) for the other lots or parcels that make up the tract are met; or
 - d. If the tract on which the dwelling will be sited includes a dwelling.
- 8. Where other lots or parcels that make up a tract in Subsection (7):
 - a. The applicant shall provide evidence that the covenants, conditions and restrictions form adopted as "Exhibit A" in OAR chapter 660, division 6 has been recorded with the county clerk of the county or counties where the property subject to the covenants, conditions and restrictions is located.
 - b. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of the county or counties where the property subject to the covenants, conditions and restrictions is located.
- D. Alteration, restoration or replacement of a lawfully established dwelling, where Subsections (1) or (2) apply:
 - 1. Alteration or restoration of a lawfully established dwelling that:
 - a. Has intact exterior walls and roof structures;
 - b. Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - c. Has interior wiring for interior lights; and
 - d. Has a heating system.
 - 2. In the case of replacement, is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.
- E. A home occupation as allowed per Article 85.

- F. Private seasonal accommodations for fee hunting operations are subject to the following requirements:
1. Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted; and
 3. Accommodations are occupied temporarily for the purpose of hunting during either or both game bird or big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.
- G. Private accommodations for fishing occupied on a temporary basis are subject to the following requirements:
1. Accommodations limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;
 2. Only minor incidental and accessory retail sales are permitted;
 3. Accommodations occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 4. Accommodations must be located within one-quarter mile of fish-bearing Class I waters.
- H. A Commercial Utility Facility for the purpose of generating power shall not preclude more than 10 acres from use as a commercial forest operation.
- I. Solid waste disposal facilities shall meet the performance and permitting requirements of the Department of Environmental Quality under ORS 459.245, shall meet the requirements of Section 55.035 and shall comply with the following requirements.
1. The facility shall be designed to minimize conflicts with existing and permitted uses allowed under plan designations for adjacent parcels as outlined in policies of the Comprehensive Plan.
 2. The facility must be of a size and design to minimize noise or other detrimental effects when located adjacent to farm, forest and grazing dwellings(s) or a residential zone.
 3. The facility shall be fenced when the site is located adjacent to dwelling(s) or a residential zone and landscaping, buffering and/or screening shall be provided.
 4. The facility does not constitute an unnecessary fire hazard. If located in a forested area, the county shall condition approval to ensure that minimum fire safety measures will be taken, which may include but are not limited to the following:

- a. The area surrounding the facility is kept free from litter and debris.
 - b. Fencing will be installed around the facility, if deemed appropriate to protect adjacent farm crops or timber stand.
 - c. If the proposed facility is located in a forested area, construction materials shall be fire resistant or treated with a fire retardant substance and the applicant will be required to remove forest fuels within 30 feet of structures.
5. The facility shall adequately protect fish and wildlife resources by meeting minimum Oregon State Department of Forestry regulations.
 6. Access roads or easements for the facility shall be improved to the county's Transportation System Plan standards and comply with grades recommended by the Public Works Director.
 7. Road construction for the facility must be consistent with the intent and purposes set forth in the Oregon Forest Practices Act to minimize soil disturbance and help maintain water quality.
 8. Hours of operation for the facility shall be limited to 8 am – 7 pm.
 9. Comply with other conditions deemed necessary.
- J. Public parks may include:
1. All uses allowed under Statewide Planning Goal 4;
 2. The following uses, if authorized in a local or park master plan that is adopted as part of the local comprehensive plan, or if authorized in a state park master plan that is adopted by OPRD:
 - a. Campground areas: recreational vehicle sites; tent sites; camper cabins; yurts; teepees; covered wagons; group shelters; campfire program areas; camp stores;
 - b. Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools), open play fields, play structures;
 - c. Recreational trails: walking, hiking, biking, horse, or motorized off-road vehicle trails; trail staging areas;
 - d. Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pumpout stations;

- e. Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1500 square feet of floor area;
 - f. Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;
 - g. Park Maintenance and Management Facilities located within a park: maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging; and
 - h. Natural and cultural resource interpretative, educational and informational facilities in state parks: interpretative centers, information/orientation centers, self-supporting interpretative and informational kiosks, natural history or cultural resource museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores not exceeding 1500 square feet for sale of books and other materials that support park resource interpretation and education.
3. Visitor lodging and retreat facilities if authorized in a state park master plan that is adopted by OPRD: historic lodges, houses or inns and the following associated uses in a state park retreat area only:
- a. Meeting halls not exceeding 2000 square feet of floor area;
 - b. Dining halls (not restaurants).

K. Private Campgrounds and Campsites.

1. Campgrounds in private parks may be permitted, subject to the following:
- a. 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.
 - b. A campground shall be designed and integrated into the rural agricultural 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.
 - c. Campgrounds authorized by this rule shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

- d. 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 six-month period.
2. Campsites within campgrounds meeting the requirement of 55.030K.1 and permitted pursuant to Section 55.035 must comply with the following:
 - a. Allowed uses include tent, travel trailer or recreational vehicle; yurts are also allowed uses, subject to 55.030K.2.c.
 - b. Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites except that electrical service may be provided to yurts.
 - c. No more than one-third or a maximum of 10 campsites, whichever is smaller, may include a yurt. The yurt shall be located on the ground or on a wood floor with no permanent foundation.
- L. For single-family dwellings, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner'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.
- M. Permanent facility for the primary processing of forest products that is:
1. Located in a building or buildings that do not exceed 10,000 square feet in total floor area, or
 2. Located in an outdoor area that does not exceed one acre excluding laydown and storage yards, or
 3. Located in a combination of indoor and outdoor areas described in Subsections (1) and (2); and
 4. Adequately separated from surrounding properties to reasonably mitigate noise, odor, and other impacts generated by the facility that adversely affect forest management and other existing uses, as determined by the governing body.

55.035 – CONDITIONAL USE REVIEW CRITERIA

A use authorized by Section 55.025 of this zone may be allowed provided the following requirements or their equivalent are met. These requirements are designed to make the use compatible with forest operations and agriculture and to conserve values found on forest lands.

- A. The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

- B. The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.
- C. A written statement recorded with the deed or written contract with the county or its equivalent is obtained from the land owner that recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules for uses authorized in OAR 660-006-0025 Subsection (5)(c).
- D. The proposed use will be compatible with vicinity uses, and satisfies all relevant requirements of this ordinance and the following general criteria:
 - 1. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
 - 2. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
 - 3. The proposed use is appropriate, considering the adequacy of public facilities and services existing or planned for the area affected by the use; and
 - 4. The use is or can be made compatible with existing uses and other allowable uses in the area.

55.040 – SITING STANDARDS FOR DWELLINGS AND STRUCTURES IN FOREST ZONES

The following siting criteria or their equivalent shall apply to all new dwellings and structures in forest zones. These criteria are designed to make such uses compatible with forest operations, to minimize wildfire hazards and risks and to conserve values found on forest lands. A governing body shall consider the criteria in this section together with the requirements of Section 55.045 to identify the building site:

- A. Dwellings and structures shall be sited on the parcel so that:
 - 1. They have the least impact on nearby or adjoining forest or agricultural lands;
 - 2. The siting ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
 - 3. The amount of forest lands used to site access roads, service corridors, the dwelling and structures is minimized; and
 - 4. The risks associated with wildfire are minimized.
- B. Siting criteria satisfying Subsection (A) may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads and siting on that portion of the parcel least suited for growing trees.

- C. The applicant shall provide evidence to the governing body that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices rules (OAR chapter 629). For purposes of this section, evidence of a domestic water supply means:
1. 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;
 2. A water use permit issued by the Water Resources Department for the use described in the application; or
 3. Verification from the Water Resources Department that a water use permit is not required for the use described in the application. 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. As a condition of approval, if road access to the 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.
- E. Approval of a dwelling shall be subject to the following requirements:
1. Approval of a dwelling requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in department of Forestry administrative rules;
 2. The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 3. Stocking survey report:
 - a. If the lot or parcel is more than 30 acres, the property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules;

- b. Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If that department determines that the tract does not meet those requirements, that department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax; and
4. The county governing body or its designate shall require as a condition of approval of a single-family dwelling under ORS 215.213, 215.383 or 215.284 or otherwise in a farm or forest zone, that the landowner for the dwelling sign and record in the deed records for the county a document binding the landowner, and the landowner'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.

55.045 – FIRE-SITING STANDARDS FOR DWELLINGS AND STRUCTURES

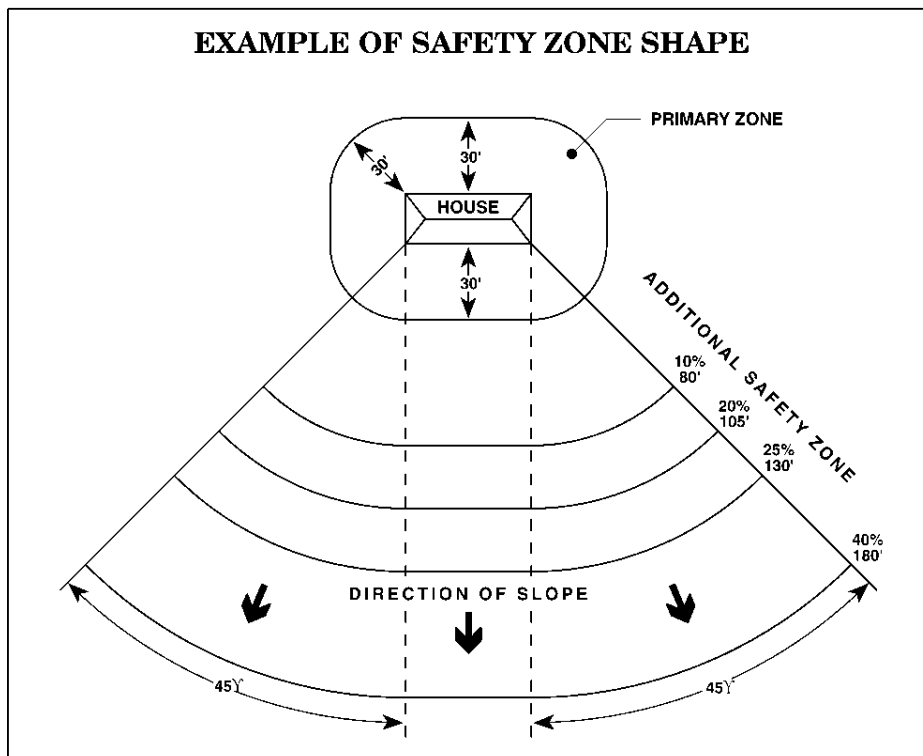
The following fire-siting standards or their equivalent shall apply to all new dwelling or structures in a forest zone:

- A. The dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection by contract. If the dwelling is not within a fire protection district, the applicant shall provide evidence that the applicant has asked to be included within the nearest such district. If the governing body determines that inclusion within a fire protection district or contracting for residential fire protection is impracticable, the home site shall meet the requirements in Article 69 of this code.
 1. The applicant shall provide verification from the Water Resources Department that any permits or registrations required for water diversion or storage have been obtained or that permits or registrations are not required for the use; and
 2. Road access shall be provided to within 15 feet of the water's edge for firefighting pumping units. The road access shall accommodate the turnaround of firefighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.
- B. Road access to the dwelling shall meet road design standards in Article 69 of this code.
- C. The owners of the dwellings and structures shall maintain a primary fuel-free break area surrounding all structures and clear and maintain a secondary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provisions in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry and shall demonstrate compliance with Table 55.045-1.

TABLE 55.045-1 Minimum Primary Safety Zone

Slope	Feet of Primary Safety Zone	Feet of Additional Primary Safety Zone Down Slope
0%	30	0
10%	30	50
20%	30	75
25%	30	100
40%	30	150

Figure 55.045-1



- D. The dwelling shall have a fire retardant roof.
- E. The dwelling shall not be sited on a slope of greater than 40 percent.
- F. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

55.050 – YOUTH CAMPS

- A. The purpose of this section 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. Changes to or expansions of youth camps established prior to the effective date of this section shall be subject to the provisions of ORS 215.130.

C. 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 paragraph 55.050D.2 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 paragraph 55.050C.1.
3. Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp.
4. The use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.
5. A campground as described in Subsection 55.030(K) 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.

D. 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.

E. 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, horseback 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 June 14, 2000, if no other dwelling exists on the subject property.
- F. A proposed youth camp shall comply with the following fire safety requirements:
1. The fire siting standards in Section 55.045;
 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 paragraph 4, a youth camp's on-site fire suppression capability shall at least include:
 - a. A 1000 gallon mobile water supply that can access all areas of the camp;
 - b. A 30 gallon-per-minute water pump and an adequate amount of hose and nozzles;
 - 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 ODF and not served by a local structural fire protection provider.
 5. The provisions of paragraph 4 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.
- G. 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.

55.055 – LAND DIVISIONS IN FOREST ZONES

- A. The minimum parcel size for new forest parcels is 80 (eighty) acres.
- B. New land divisions less than the parcel size in Subsection (A) may be approved for any of the following circumstances:
 1. For the uses listed in the following subsections provided that such uses have been approved pursuant to section 55.035 and the parcel created from the division is the minimum size necessary for the use.
 - a. 55.020J. 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.
 - b. 55.020M. Destination resorts, subject to ORS 197.435 to 197-467 and Goal 8.
 - c. 55.025A. Log scaling and weigh stations
 - d. 55.025F. Permanent facility for the primary processing of forest products subject to 55.030M.
 - e. 55.025G. Permanent logging equipment repair and storage.

- f. 55.025J. Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under Subsection 55.025(S) (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517.
 - g. 55.025Q. Television, microwave and radio communication facilities and transmission towers.
 - h. 55.025S. Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
 - i. 55.025T. Reservoirs and water impoundments.
 - j. 55.025U. Disposal site for solid waste approved by the governing body of a city or county or both and 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.
 - k. 55.025V. Commercial utility facilities for the purpose of generating power subject to Subsection 55.030(H).
 - l. 55.025W. Aids to navigation and aviation.
 - m. 55.025X. Firearms training facility as provided in ORS 197.770(2).
 - n. 55.025Y. Fire stations for rural fire protection.
 - o. 55.025Z. Cemeteries.
 - p. 55.025AA. Public parks subject to Subsection 55.030(J).
 - q. 55.025BB. Private parks and campgrounds subject to Subsection 55.030(K).
2. For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:
- a. The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and
 - b. The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:
 - 1) Meets the minimum land division standards of the zone; or
 - 2) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone.

3. To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (A). Approvals shall be based on findings that demonstrate that there are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than the minimum area requirements of Subsection (A) in order to conduct the forest practice. Parcels created pursuant to this paragraph:
 - a. Are not eligible for siting of a new dwelling;
 - b. May not serve as the justification for the siting of a future dwelling on other lots or parcels;
 - c. May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and
 - d. May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - 1) Facilitate an exchange of lands involving a governmental agency; or
 - 2) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
4. To allow a division of a lot or parcel zoned for forest use if:
 - a. At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - b. Each dwelling complies with the criteria for a replacement dwelling under paragraph 55.030D.1;
 - c. Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - d. At least one dwelling is located on each parcel created under this paragraph; and

- e. The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
5. To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- C. A lot or parcel may not be divided under paragraph 55.055B.4 if an existing dwelling on the lot or parcel was approved under a statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel.
- D. Restrictions
- 1. An applicant for the creation of a parcel pursuant to paragraph 55.055B.2 shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (B).
 - 2. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director of the county where the property is located indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.
- E. A landowner allowed a land division under Subsection (B) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.
- F. The county governing body or its designate may not approve a property line adjustment of a lot or parcel in a manner that separates a temporary hardship dwelling or home occupation from the parcel on which the primary residential use exists.
- G. A division of a lawfully established unit of land may occur along an urban growth boundary where the parcel remaining outside the urban growth boundary is zoned for forest use and is smaller than the minimum parcel size, provided that:

1. If the parcel contains a dwelling, it must be large enough to support continued residential use.
2. If the parcel does not contain a dwelling:
 - a. It is not eligible for siting a dwelling, except as may be authorized under ORS 195.120;
 - b. It may not be considered in approving a redesignation or rezoning of forest lands, except to allow a public park, open space, or other natural resource use; and
 - c. The owner of the parcel shall record with the county clerk an irrevocable deed restriction prohibiting the owner and all successors in interest from pursuing a cause of action or claim of relief alleging injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

55.060 – PROPERTY DEVELOPMENT STANDARDS

All dwellings and structures approved pursuant to Article 55 shall be sited in accordance with this Section.

- A. Minimum Parcel Size – See 55.055.
- 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 on 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 54.010(DD) 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. In addition to review criteria contained in Section 45.050, the following criteria shall apply:

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

D. New land divisions less than the parcel size in Subsection (A) may be approved for any of the following circumstances:

(1) For the uses listed in Chapter 55.055(B)(1) of the Forest Zone, provided that such uses have been approved pursuant to the associated review criteria of the Forest Zone and the parcel created from the division is the minimum size necessary for the use.

(2) For the establishment of a parcel for a dwelling that has existed since before June 1, 1995, subject to the following requirements:

(a) The parcel established may not be larger than five acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres; and

(b) The parcel that does not contain the dwelling is not entitled to a dwelling unless subsequently authorized by law or goal and the parcel either:

(i) Meets the minimum land division standards of the zone; or

(ii) Is consolidated with another parcel, and together the parcels meet the minimum land division standards of the zone;

(c) The minimum tract eligible under paragraph (2) of this subsection is 40 acres;

(d) The tract shall be predominantly in forest use and that portion in forest use qualified for special assessment under a program under ORS chapter 321; and

(e) The remainder of the tract does not qualify for any uses allowed under ORS 215.213 and 215.283 that are not allowed on forestland.

(3) To allow a division of forest land to facilitate a forest practice as defined in ORS 527.620 that results in a parcel that does not meet the minimum area requirements of Subsection (A). Parcels created pursuant to this paragraph:

(a) Are not eligible for siting of a new dwelling;

(b) May not serve as the justification for the siting of a future dwelling on other lots or parcels;

(c) May not, as a result of the land division, be used to justify redesignation or rezoning of resource lands; and

- (d) May not result in a parcel of less than 35 acres, unless the purpose of the land division is to:
 - (i) Facilitate an exchange of lands involving a governmental agency; or
 - (ii) Allow transactions in which at least one participant is a person with a cumulative ownership of at least 2,000 acres of forest land.
 - (4) To allow a division of a lot or parcel zoned for farm-forest use if:
 - (a) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
 - (b) Each dwelling complies with the criteria for a replacement dwelling under subsection 55.010(GG) of the EFU Zone;
 - (c) Except for one parcel, each parcel created under this paragraph is between two and five acres in size;
 - (d) At least one dwelling is located on each parcel created under this paragraph; and
 - (e) The landowner of a parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the parcel has been recorded with the county clerk of the county in which the parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the parcel is located indicating that the comprehensive plan or land use regulations applicable to the parcel have been changed so that the parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
 - (5) To allow a proposed division of land to preserve open space or parks, as provided in ORS 215.783.
- E. A lot or parcel may not be divided under paragraph 55.213(B)(4) if an existing dwelling on the lot or parcel was approved under:
- (1) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
 - (2) A farm use zone provision.

F. Restrictions

(1) An applicant for the creation of a parcel pursuant to paragraph 55.213(B)(2) shall provide evidence that a restriction on the remaining parcel, not containing the dwelling, has been recorded with the county clerk. The restriction shall allow no dwellings unless authorized by law or goal on land zoned for forest use except as permitted under Subsection (B).

(2) A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land.

G. A landowner allowed a land division under Subsection (B) shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

55.260 - PROPERTY DEVELOPMENT STANDARDS

H. Minimum Parcel Size - see 55.213(A)

I. Building Heights and Setbacks - See Article 62

J. Fences, Walls and Screening - See Article 64

K. Landscaping - See Article 65

L. Signs - See Article 66

M. Parking - See Article 68

N. 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 if 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;

ORD. 45.24	Art. 57.080(2)(A), (3)(A)	Adopt September 24, 1991
ORD. 45.27	Art. 57.080(C)	Adopt April 8, 1992
ORD. 45.31	Art. 57.080	Adopt February 15, 1995
ORD. 45.67	Art. 57.070(C)	Adopt May 16, 2008 – Acknowledged June 10, 2008
ORD. 44.67.1	Art. 57.070(C)(2)(A), (B), & (C)	Adopt June 2, 2009 – Acknowledged July 8, 2009

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

ORD. 45.24	Art. 57.080(2)(A), (3)(A)	Adopt September 24, 1991
ORD. 45.27	Art. 57.080(C)	Adopt April 8, 1992
ORD. 45.31	Art. 57.080	Adopt February 15, 1995

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 runway 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 15, 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**

59.010 - STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;
- G. Notify potential buyers that the property is in a special flood hazard area
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

59.020 - METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

59.030 – DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

Appeal: A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special Flood Hazard Area" is synonymous in meaning and definition with the phrase "Area of Special Flood Hazard".

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation to which floodwater is anticipated to rise during the base flood.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Flood or Flooding:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study: See “Flood Insurance Study”.

Flood Insurance Rate Map (FIRM): The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS): An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Proofing: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or

passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Dwelling: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home".

Manufactured Dwelling Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction: For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by Klamath County and includes any subsequent improvements to such structures.

Recreational Vehicle: A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA): See “Area of special flood hazard” for this definition.

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance: A grant of relief by Klamath County from the terms of a flood plain management regulation.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

59.040 - GENERAL PROVISIONS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all special flood hazard areas within the jurisdiction of Klamath County.

B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for KLAMATH COUNTY, OREGON AND INCORPORATED AREAS, dated November 7, 2024, with accompanying Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this ordinance. The FIS and FIRM panels are on file at the Klamath County Planning Department in the Klamath County Government Center.

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C. COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in ORS 455 that Klamath County administers and enforces the State of Oregon Specialty Codes, Klamath County does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

1. COMPLIANCE

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

2. PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute an Article 14 (Enforcement) Nothing contained herein shall prevent the Klamath County from taking such other lawful action as is necessary to prevent or remedy any violation.

E. WARNING AND DISCLAIMER OF LIABILITY

1. WARNING

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

2. DISCLAIMER OF LIABILITY

This ordinance shall not create liability on the part of the Klamath County, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

59.050 - ADMINISTRATION

A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Planning Director and their designee is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

1. PERMIT REVIEW

Review all development permits to determine that:

- a. The permit requirements of this ordinance have been satisfied;
- b. All other required local, state, and federal permits have been obtained and approved.
- c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 59.060(B)(3) and 59.060(B)(4) are met; and
- d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of sections 59.060(A)(7); and
- e. Provide to building officials the Base Flood Elevation (BFE) and a freeboard standard of one foot above the BFE applicable to any building requiring a development permit.
- f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in section 59.030.
- g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 59.060(A)(1).
- h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

2. INFORMATION TO BE OBTAINED AND MAINTAINED

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 59.060(A)(7).
- b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 59.060(B)(4), and 59.050(B)(1)(b) are adhered to.
- c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- e. Maintain all Elevation Certificates (EC) submitted to the community;
- f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 59.060(A)(7).
- g. Maintain all floodproofing certificates required under this ordinance;
- h. Record and maintain all variance actions, including justification for their issuance;
- i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 59.060(B)(4).
- j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 59.050(B)(4).
- k. Maintain for public inspection all records pertaining to the provisions of this ordinance.

3. REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA

a. COMMUNITY BOUNDARY ALTERATIONS

The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

b. WATERCOURSE ALTERATIONS

Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- 1) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- 2) Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under section 59.050(B)(3)(c).

c. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- 1) Proposed floodway encroachments that increase the base flood elevation; and
- 2) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal permits.

4. SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS

Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 59.050(B). Conduct Substantial Damage (SD) (as defined in section 59.030) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

C. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. FLOODPLAIN DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 59.060(B)(3)(c). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 59.030, including fill and other development activities.

2. APPLICATION FOR DEVELOPMENT PERMIT

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 59.050(B).
- b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 59.060(B)(3)(c).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base Flood Elevation data for subdivision proposals or other development when required per sections 59.050(B)(1) and 59.060(A)(6).
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

D. VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

1. CONDITIONS FOR VARIANCES

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 59.050(D)(1), and 59.050(D)(2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.

- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon:
 - 1) A showing of good and sufficient cause;
 - 2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - 3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 59.050(D)(1)(b) – (d) are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2. VARIANCE NOTIFICATION

Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance, shall be maintained in accordance with section 59.050(B).

59.060 - PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

1. ALTERATION OF WATERCOURSES

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 59.050(B)(3)(b) and 59.050(B)(3)(c).

2. ANCHORING

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- b. All manufactured dwellings shall be anchored per section 59.060(B)(3).

3. CONSTRUCTION MATERIALS AND METHODS

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

4. UTILITIES AND EQUIPMENT

a. WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS

- 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.
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

b. ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at least one foot above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement, meet all the requirements of this section.

5. TANKS

- a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- b. Above-ground tanks shall be installed 1 foot above the BFE or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

6. SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS

- a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - 1) Be consistent with the need to minimize flood damage.
 - 2) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - 3) Have adequate drainage provided to reduce exposure to flood hazards.

7. USE OF OTHER BASE FLOOD ELEVATION DATA

When Base Flood Elevation data has not been provided, the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 59.060. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 59.060(A)(6).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, where available. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered A zone is a minimum of two (2) feet above the highest adjacent grade to be reasonably safe from flooding.

8. STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES

In coordination with the State of Oregon Specialty Codes:

- a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

B. SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 59.060(A) of this ordinance.

1. FLOOD OPENINGS

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces, shall:

- a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- b. Be used solely for parking, storage, or building access;
- c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - 1) A minimum of two openings,
 - 2) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
 - 3) The bottom of all openings shall be no higher than one-foot above grade.
 - 4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
 - 5) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

2. GARAGES

- a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:

- 1) If located within a floodway the proposed garage must comply with the requirements of section 59.060(B)(4).
 - 2) The floors are at or above grade on not less than one side;
 - 3) The garage is used solely for parking, building access, and/or storage;
 - 4) The garage is constructed with flood openings in compliance with section 59.301 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - 5) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - 6) The garage is constructed in compliance with the standards in section 59.060(A); and
 - 7) The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- b. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 59.060(B)(4) or non-residential structures in section 59.060(B)(2) depending on the square footage of the garage.

3. FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS

In addition to the general standards listed in section 59.060(A) the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

a. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

b. RESIDENTIAL CONSTRUCTION

- 1) New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated 1 foot above the Base Flood Elevation (BFE) or above.
- 2) Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 59.060(B)(1).

c. NON-RESIDENTIAL CONSTRUCTION

- 1) New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - a) Have the lowest floor, including basement elevated 1 foot or more above the Base Flood Elevation (BFE); or, together with attendant utility and sanitary facilities:
 - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth section 59.050(B).
- 2) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in section 59.301.
- 3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

d. MANUFACTURED DWELLINGS

- 1) Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 59.060(B)(1);
- 2) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
- 3) Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
- 4) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

e. RECREATIONAL VEHICLES

Recreational vehicles placed on sites are required to:

- 1) Be on the site for fewer than 180 consecutive days, and
- 2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- 3) Meet the requirements of section 59.060(B)(3)(d), including the anchoring and elevation requirements for manufactured dwellings.

f. APPURTENANT (ACCESSORY) STRUCTURES

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

- 1) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 59.060(B)(4).
- 2) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
- 3) In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
- 4) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;
- 5) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
- 6) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 59.060(B)(1);
- 7) Appurtenant structures shall be located and constructed to have low damage potential;
- 8) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 59.060(A)(5).

- 9) Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

4. FLOODWAYS

Located within the special flood hazard areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - 1) Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
 - Or,
 - 2) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- b. If the requirements of section 59.060(B)(4) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 59.060.

5. STANDARDS FOR SHALLOW FLOODING AREAS

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

a. STANDARDS FOR AH ZONES

Development within AH Zones must comply with the standards in sections 59.060(A), 59.060(B), and 59.060(B)(6).

b. STANDARDS FOR AO ZONES

In AO zones, the following provisions apply in addition to the requirements in sections 59.060(A) and 59.060(B)(6):

- 1) New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum 1 foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- 2) New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
 - a) Have the lowest floor (including basement) elevated at minimum 1 foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified); or
 - b) Together with attendant utility and sanitary facilities, be completely floodproofed at minimum 1 foot above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified), or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 59.060(B)(3)(c).
- 3) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
 - a) Be on the site for fewer than 180 consecutive days, and
 - b) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c) Meet the elevation requirements of section 59.060(B)(5), and the anchoring and other requirements for manufactured dwellings of section 59.060(B)(3).
- 4) In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 59.060(B)(4).

- 5) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 59.060(A).

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 proposed 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 proposed 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 waived in a Geothermal Designation providing that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety, and welfare.
- 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-of-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.