

60017

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR KLAMATH COUNTY, OREGON

Vol. 140 Page 5838

1 AN ORDINANCE AMENDING ORDINANCE NO. 45.2,)
ADOPTING AMENDMENTS TO THE LAND DEVELOPMENT)
2 CODE FOR KLAMATH COUNTY, AND DECLARING AN) ORDINANCE NO. 45.6
EMERGENCY.)
3)

4 WHEREAS, on February 16, 1984, Klamath County adopted Ordi-
5 nance No. 45.2 relating to the adoption of the Land Development
6 Code; and

7 WHEREAS, the Klamath County Board of Commissioners has con-
8 sidered the recommendations of the Klamath County Planning Commis-
9 sion relative to certain amendments to the County Land Development
10 Code; and

11 WHEREAS, notice of this meeting was published in the Herald
12 and News, a newspaper of general circulation, on January 26, and
13 January 27, 1986, with hearings having been held February 7, 1986,
14 March 10, 1986, and April 3, 1986;

15 NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR THE
16 COUNTY OF KLAMATH, STATE OF OREGON, ORDAINS AS FOLLOWS:

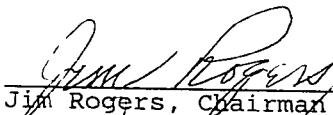
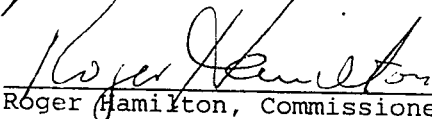
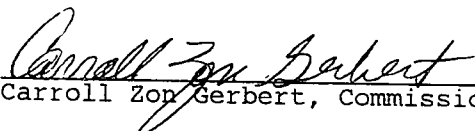
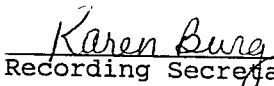
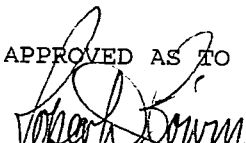
17 The amendments to the adopted Klamath County Land Development
18 Code which are attached hereto, marked Exhibit "A", "Revisions to
19 the Land Development Code," and incorporated herein by reference
20 are hereby adopted.

21 Emergency Clause. This Ordinance, being enacted in the
22 exercise of the police power of the Board of County Commissioners
23 and for the purpose of declaring an emergency and being necessary
24 for the immediate preservation of the public peace, health, safety,
25 and general welfare of the citizens of Klamath County, an emer-
26 gency is declared to exist, and this Ordinance shall be in effect
27 on April 18, 1986.

28 ///

1 ENACTED AND ORDAINED by the Board of County Commissioners
2 of Klamath County, Oregon, this 3rd Day of April,
3 1986.

4 BOARD OF COUNTY COMMISSIONERS

5
6 
7 Jim Rogers, Chairman8 
9 Roger Hamilton, Commissioner10
11 
12 Carroll Zon Gerbert, Commissioner13
14 ATTEST:15 
16 Karen Burg
Recording Secretary17
18 APPROVED AS TO FORM19 
20 Robert D. Boivin, County Legal Counsel

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ORDINANCE 45.6
EXHIBIT "A"

Section 10.006 - Effective Date of Application - Delete entire Section.

Section 11.002 - Revise definition of Contiguous to read:

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

Section 14.012 - Penalties - Revise to read:

Any person, firm, corporation or other entity who has been found by a hearings officer to have violated any of the provisions of this Code and who does not comply with the order of the hearings officer shall be punished by a fine not exceeding one hundred dollars (\$100) for each day of violation where the violation is a continuing one but such fine may not exceed one thousand dollars (\$1,000) or a fine of five hundred dollars (\$500) where the violation is not a continuing one. District Court and Circuit Court shall have concurrent jurisdiction over prosecutions for violations of this Code.

Section 22.003 - Public Hearing and Notice (Page 41) - Revise to read:

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

Section 22.004 - Review and Decision (Page 41) - Revise to read:

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

Section 24.006 - Review and Decision (Page 44) - Revise to read:

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

Section 33.002 - Appeal Authority (Page 60) - Delete Paragraph A; add 1 and 2 from Paragraph A to Paragraph B; reletter accordingly. Delete Paragraph C and revise Paragraph D to read:

Any request for modification or removal of conditions of approval shall be subject to review by the approving body. The approving body shall grant such request or portions thereof only upon finding that the application of the condition or conditions would impose an undue or unnecessary hardship on the applicant and that the condition causing the difficulty was not created by the applicant.

Section 41.004 - Processing (Page 64) - Add new Paragraph D to read:

Review by the Planning Department - The Planning Department shall have five (5) working days in order to determine if an application is complete.

Section 41.005 - Plot Plan Requirements (Page 64) - Delete entire Section as now written and revise to read:

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

Section 45.004 - Processing (Page 83) - Revise Paragraph J to read:

Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final partition, a partitioner may apply for a time extension on forms provided by the Planning Department accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) such extensions may be granted by the Planning Director following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative partition was based have not changed to an extent sufficient to warrant refiling of the tentative partition and after a finding that no other development approvals would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the partitioner shall file a new application for review of the tentative partition.

Section 45.005 - Submittal Requirements (Page 88) - Add Subsection 5 under Paragraph A to read:

Pre-plat map must be:

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

Section 45.005 - Submittal Requirements (Pages 89 and 90) - Revise language dealing with required signature spaces to read:

The final map shall include spaces for dates and signatures of the appropriate approving body.

(Include in Paragraph B1 and Paragraph B2)

Section 46.004 - Processing (Page 95) - Revise Paragraph M to read:

Extension of Time Limit - Prior to the expiration date of the time limit for the submission of a final plat, a subdivider may apply for a time extension on forms provided by the Planning Department accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required by the Land Development Code. A maximum of three (3) such extensions may be granted by the Planning Director following the date of tentative approval and upon a written finding that the facts upon which the approval of the tentative plat was based have not changed to an extent sufficient to warrant refileing of the tentative plat and after a finding that no other development approval would be affected. In no case shall the cumulative length of such extensions exceed three (3) years. If a time extension is not requested or approved, the subdivider shall file a new application for review of the tentative plat.

Section 51.007 B - Permitted Uses (Page 137) - Add new No. 4 to read:

Accessory Uses - garage, shed for storage of lawn equipment, wood, etc.

Section 51.008 B - Permitted Uses (Page 138) - Add new No. 4 to read:

Accessory Uses - garage, shed for storage of lawn equipment, wood, etc.

Section 51.016 B - Permitted Uses (Page 154) - Add new No. 28 to read:

Extensive Impact Services, limited to fire stations, communication structures, and utility substations.

Add to Sections 51.017, 51.018, and 51.019 of the EFU-C, EFU-CG, and EFU-G zones under Paragraph B:

Animal Raising: Aquatic Species - Raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and Water Resources Department with notification to the County Planning Department.

Seasonal sale of agricultural products grown or raised on premises

Exhibit "A"
Page 5

Add to Sections 51.017, 51.018, and 51.019 of the EFU-C, EFU-CG, and EFU-G zones under Paragraph C:

Animal Sales and Services - Kennels

Sections 51.017, 51.018, and 51.019 (Pages 156, 160, and 164) - Insert the following language prior to the listing of the Conditional Uses:

Conditional Non-Farm Uses: The following uses are further defined in Chapter 9 of this Code. Approval shall require findings that the use:

- a. Does not interfere seriously with accepted farming practices on adjacent lands;
- b. Wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;
- c. Wherever possible, use will not be located upon soils classified predominantly as I-IV;
- d. The access shall be designed so as not to interfere with accepted farm practices on surrounding land; and
- e. Complies with such other conditions as the review authority considers necessary.

Section 51.020 D(1) (Page 169) - Revise to read:

Mineral and aggregate exploration and extraction.
Animal Raising - Aquatic Species - Raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and Water Resources Department with notification to the County Planning Department

Section 51.020 H(1) - The Article number indicated on the last line of this Paragraph should read Article 45, not Article 46. (Page 171)

Section 51.020 H(11) (Page 172) - The Article number indicated here should read Article 69, not Article 64.

Section 51.021 C(8) (Page 174) - Revise to read:

Mineral and aggregate exploration and extraction.
Animal Raising - Aquatic Species - Raising, keeping, and harvesting of such species subject to permits issued by D.E.Q., Fish and Wildlife, and Water Resources Department with notification to the County Planning Department.

Section 62.003 - Front Yards (Page 205) - Revise No. 1 under Paragraph A to read:

R-5, R-1, and Suburban Residential zones shall have a minimum front yard of twenty-five (25) feet.

Section 62.003 - Front Yards (Page 206) - Delete B(1)(b) and reletter accordingly.

Section 62.003 - Front Yards (Page 206) - Revise Paragraph B(2) to read:

Required front yards in commercial and industrial zones shall be used for landscaping and limited parking. Where possible, parking will be provided adjacent to the sides and rear of buildings.

Section 62.003 - Front Yards (Page 207) - Delete Subsection 2 under Paragraph D.

Section 62.004 - Side Yards (Page 207) - Revise Subsection 1 under Paragraph A to read:

For lots of one (1) acre or more in area, ten (10) feet.

Section 62.004 - Side Yards (Page 207) - Revise Subsection 1 under Paragraph B to read:

In R-5, R-1, or Suburban Residential.....

Section 62.004 - Side Yards (Page 207) - Revise Paragraph C to read:

Accessory Buildings - Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required side yard setbacks of the applicable zone.

Section 62.005 - Rear Yards (Page 209) - In Subsection 1 of Paragraph A, change "Rural, Rural Residential" on line two to "R-5, R-1"

Section 62.005 - Rear Yards (Page 209) - Revise Paragraph B to read:

Accessory buildings as herein permitted, greater than 14 feet in height, shall meet required rear yard setback requirements of the applicable zone.

Section 66.007 - Permitted Signs - Change the second line of this paragraph to read: (Page 223)

..."Permitted Sign Location and Size," provided that the total combined square footage of signs does not exceed the maximum size areas indicated in the table and provided...

Section 66.007 - Permitted Signs - (Page 224A) - Drop last sentence of Paragraph F(2)(A).

Page 225 - Change the title of the chart to read as follows:

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

Add to Table of Off-Street Parking Requirements (Part of Section 68.002) Page 235:

Shopping Centers
Neighborhood
Community
Regional

5.5 spaces per 1,000
sq. ft. of gross leasable
area

PROPOSED REVISION OF
ARTICLE 83 - SIGNIFICANT RESOURCE AREA

- Draft -
November 13, 1985

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In addition to the revisions proposed in the following pages, staff would recommend that Article 67 - Archaeological Resources be moved to Chapter 8 of the Land Development Code, and that Section 83.011 - Historic Buildings and Sites be removed from the context of Article 83 - Significant Resource Area and be given its own Article number within Chapter 8.

ARTICLE 83 - SIGNIFICANT RESOURCE AREA

SECTION 83.001 - GENERAL PROVISIONS

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

SECTION 83.002 - PURPOSE

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

SECTION 83.003 - APPLICATION

The provisions of this Article shall apply to the following:

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

SECTION 83.004 - REVIEW PROCEDURE/CRITERIA

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

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

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

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

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

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

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

D. "Permitted Uses Identified as Conflicting Uses"

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

E. "Conditional Uses Identified as Conflicting Uses"

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

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

SECTION 83.005 - PROPERTY DEVELOPMENT STANDARDS

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

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

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

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

SECTION 83.006 - STATE OR FEDERAL THREATENED AND ENDANGERED SPECIES

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

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

SECTION 83.007 - LIST OF CONFLICTING USES

- A. MINERAL AND AGGREGATE RESOURCES
 - 1. Residential uses
 - 2. Loss of air, water, or land resources quality
 - 3. Disturbance or destruction of wildlife habitat or natural habitat
 - 4. Increased traffic
- B. FISH AND WILDLIFE
 - 1. Removal of vegetation
 - 2. Removal of shelter or food source
 - 3. Drainage projects, filling wetlands, and clearing of riparian vegetation
 - 4. Intensification of land use beyond normal forestry and agricultural uses (loss of habitat to non-resource use)
 - 5. Human disturbance

C. BIG GAME RANGES

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

D. BEAR VALLEY EAGLE REFUGE

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

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

Within the secondary buffer area:

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

Within the flyway:

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

E. NATURAL AREAS

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

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F. WETLANDS AND SURFACE WATER

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

G. HISTORICAL AND ARCHAEOLOGICAL SITES

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

H. GROUNDWATER RESOURCES

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

I. ENERGY SOURCES

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

J. UPLAND GAMEBIRDS

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

K. NEST SITES

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

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

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

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M. SHIPSEY/THOMAS PROPERTY

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

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

N. GEOTHERMAL RESOURCES

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

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

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

SECTION 83.008 - AGENCY/RESOURCE LIST

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

4. Mineral and Aggregate Resources
 - County Public Works
 - State Highway Department
 - Department of Transportation
 - Department of Geology and Mineral Industries
5. Archaeological Resources
 - Klamath Tribe
 - Historic Landmark Commission
6. Historic Buildings and Sites
 - Historic Landmark Commission
7. Parks and Recreation Scenic Waterways
 - State Parks and Recreation
 - State Department of Transportation
8. Geothermal Resources
 - Department of Geology and Mineral Industries

Section 95.006 - Animal Raising (Page 298) - Add new Paragraph E to read:

Animal Raising: Aquatic Species - Raising, keeping and harvesting of such species.

Delete the word fish from Paragraph C of Section 95.006 (Page 298).

Section 97.011 - Nonconforming Parcels or Lots of Record (Page 303) - Delete or Lots of Record from title, and delete Paragraph 3 under A.

Article 98 - Lots of Record (Page 305) - This Article in whole is to be deleted. (The Senate Bill on Lots of Record had an expiration date, and now it is out of the State Statutes.)

REVISIONS TO KLAMATH COUNTY PLANNING COMMISSION
INTERNAL RULES OF PROCEDURE

Section 10 - Attendance, Quorum and Voting - Revise to read:

- E. Voting shall be expressed by hand vote when called for by the Presiding Officer. All votes shall be recorded by the Secretary.

(Omitted second sentence)

Section 11 - Motion, Resolutions, Orders and Appeals - Revise Paragraph D to read:

- D. Appeals shall be made within 10 days to the appropriate reviewing authority.

REVISIONS TO REVIEW BOARD INTERNAL RULES OF PROCEDURE

Section 10 - Appeal - Revise to read:

A decision of the Land Partitioning Review Board shall be final within ten (10) days of the decision mailing unless...

REVISIONS TO BOARD OF COMMISSIONERS INTERNAL RULES OF PROCEDURE

Revise Section 6 on Page 4 to read:

SECTION 6 - HEARINGS PROCEDURE
PROCEDURE FOR APPEALS OF PLANNING COMMISSION, HEARINGS OFFICER,
LAND PARTITIONING REVIEW BOARD, OR PLANNING DIRECTOR DECISIONS

The hearing shall be limited to the record established by the Planning Commission, Hearings Officer, Land Partitioning Review Board, or Planning Director.

4. ... (This individual must have testified before the Planning Commission, Hearings Officer, Land Partitioning Review Board, or Planning Director).
6. ... (Once again, the opponents must have testified before the Planning Commission, Hearings Officer, Land Partitioning Review Board, or Planning Director).
10. The chairman will call for a vote on the motion. The Board of Commissioners will receive and examine only information that was presented before the Planning Commission, Hearings Officer, Land Partitioning Review Board, or Planning Director, and upon good cause shown, may continue any item when in their discretion additional testimony or time is needed. The Board may also remand items to the Planning Commission, Hearings Officer, Land Partitioning Review Board, or Planning Director for further consideration.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of April A.D., 19 86 at 4:17 o'clock P M., and duly recorded in Vol. M86
of Deeds on Page 5838.

FEE NONE

Evelyn Biehn, County Clerk
By [Signature]

Return: Commissioner's Journal