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## BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP 6-18

FINAL ORDER

WHEREAS, Klamath County, applicant, proposed language amendments to the Land Development Code to add regulations for Accessory Dwelling Units; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on July 24, 2018 before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, the applicant submitted said request for the Land Development Code text amendment in due form for consideration; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed Findings in the Staff Report their own, the Planning Commission forwarded a recommendation for approval to the Board of County Commissioners; and


WHEREAS, the Board of County Commissioners concluded the application was in conformance with State Law, Klamath County Comprehensive Plan and Land Development Code, and acting within their authority unanimously APPROVED the request of Planning File CLUP 6-18.

**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS  
ORDER AS FOLLOWS:**


**The Klamath County Planning Director shall prepare for adoption by the Board of County Commissioners an ordinance amending the Klamath County Land Development Code text to reflect the proposed revisions as shown on attached Exhibit 1.**

Dated this 6 day of August, 2018

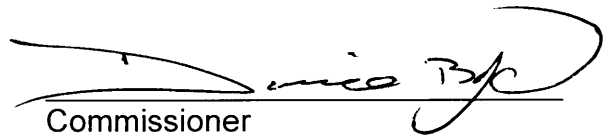
**FOR THE BOARD OF COMMISSIONERS**



Chair



Commissioner



Commissioner



County Counsel

Approved as to form

**NOTICE OF APPEAL RIGHTS**

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

## EXHIBIT 1

### **ACCESSORY DWELLING UNITS AMENDMENT LANGUAGE**

Language to be removed shows ~~strikeout~~, language to be added is in **bold**, all other language is existing code language. Skipped sections of code language is indicated by ...

#### **ARTICLE 11.030 - DEFINITIONS**

##### **ACCESSORY DWELLING UNIT:**

**An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.**

DUPLEX: Residential uses involving two attached, common wall dwelling units for ownership, lease or rental on the same parcel. **This does not include a single-family dwelling and an accessory dwelling unit that meets the standards of Article 89.**

##### **IMPERVIOUS SURFACE:**

**A surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces shall include but are not limited to roofs, solid decks, driveways, patios, sidewalks, parking areas and tennis courts. Swimming pools are exempt since they do not increase runoff.**

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## **CHAPTER 50 LAND USE ZONES (KLAMATH FALLS UGB)**

### **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**
- ...

## 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**
- ...

## 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

**J. Accessory Dwelling Unit(s) subject to Article 89 standards**

...

*The following change is not required by the legislative mandate since the High Density Residential Zone is not a Single-Family Residential Zone, but it does make sense to allow an increase in density here as with the other zones.*

### **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**

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## **ARTICLE 80 – SPECIAL USE STANDARDS**

### **ARTICLE 89 – ACCESSORY DWELLING UNIT (ADU)**

#### **89.010 – PURPOSE**

The purpose of this article is to set forth the standards for the establishment of permitted accessory dwelling unit(s) in conjunction with a single-family dwelling in the identified residential zones within the Klamath Falls urban growth boundary and within all single-family residential zones within the unincorporated portions of the urban growth boundaries of the cities of Chiloquin, Merrill, Malin and the Town of Bonanza.

#### **89.020 – PERMITTED USE**

Accessory dwelling units are a permitted use and shall be reviewed via Article 41 – Site Plan Review.

#### **80.030 – STANDARDS FOR ACCESSORY DWELLING UNIT(S)**

1. One accessory dwelling unit, per lot or parcel is allowed. A second accessory dwelling unit can be added if one of the ADUs is within the existing footprint of the dwelling.
2. The total impervious surface area on the parcel/lot shall not exceed 40% of the total parcel/lot area.
3. Each accessory dwelling unit shall not exceed 800 square feet of floor area, or more than 50 percent of the existing dwelling, whichever is smaller. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
4. Accessory dwellings shall meet all other development standards (e.g., height and setbacks, except that conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity.)
5. One additional off-street parking space is required for each accessory dwelling unless it is within the existing footprint of the dwelling.
6. Accessory dwelling units shall not be manufactured homes.