

**PART III – CDO Ordinance Update**  
**Updates to Uses Permitted by Zone**  
**(Measure 56 Notice)**

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## **General Provisions**

### **10.010 Definitions.**

Community Food Services. Establishments primarily engaged in the collection and preparation, and/or delivery of food for the needy. These establishments may prepare and deliver meals to persons who by reason of age, disability, illness, or income are unable to prepare meals for themselves; collect and distribute salvageable or donated food; or prepare and provide meals at fixed locations. Examples include food banks, meal delivery programs, and soup kitchens.

Emergency Shelter. Defined in ORS 197. Approval of Emergency Shelters is not considered a land use decision and are subject to ORS 34.010–34.100 while the applicable provisions of ORS 197 remain in effect.

Government Office. An office or offices where primarily government employees work, regardless of the function of the office or types of service provided. Typical uses include, but are not limited to, City, County, State, and Federal entities; school districts; transit district offices; public administration; international affairs offices; and government research services.

*(Current: Government Office. An office where government employees work. Typical uses include, but are not limited to, City, County, State, Federal, school district, and transit district offices.)*

Medical Office. Establishments of licensed healthcare practitioners generally having advanced degrees, including but not limited to Doctors of Medicine and Osteopathy, dental practitioners, audiologists, chiropractors and others primarily engaged in independent practice. This category includes most out-patient medicine, urgent care centers, private or group practices in their own offices, and family medical clinics. This category does not include hospitals. See: Hospital, Social Services Office.

*(Current: Medical Office. A place where office and laboratory facilities are located for the use of physicians and other health personnel. Typical uses include, but are not limited to, dental offices, psychologists, ophthalmologists, dermatologists, cardiologists, neurologists, orthopedic doctors, naturopaths, chiropractors and/or somnologists (sleep disorders).*

Residential Care Facility. A facility licensed under ORS 443.400 to 443.460, regulated by ORS 197.677, that provides residential care for six or more individuals.

*(Current: Residential Facility. A facility licensed under ORS 443.400 to 443.460, which provides residential care for six or more individuals.)*

Residential Care Home. A home licensed under ORS 443.400 to 443.460, regulated by ORS 197.665, that provides residential care for five or fewer individuals.

*(Current: Residential Home. A home licensed under ORS 443.400 to 443.460, which provides residential care for five or fewer individuals.)*

Small Solar Energy System. A solar energy system, accessory to a primary use on the same lot, with an area not exceeding that of the primary use, that provides power to the site.

Social Services Office. Offices that provide nonresidential individual and family social assistance services. Examples include but are not limited to family welfare services, rape and suicide crisis intervention centers, referral services, senior citizen centers, and social service program administration offices. This category does not include community food services, medical treatment (including drug addiction treatment), temporary shelter, or government offices. See: Emergency Shelter, Government Office, Medical Office.

**Transitional Housing.** An establishment that provides short-to-medium-term housing, generally for no more than 24 months, primarily for the purpose of transitioning individuals or families into long-term affordable housing. These establishments typically provide clients with an apartment, a residence, a room within a residence, a cabin, a yurt, or other similar accommodation and provide limited social support services, such as counseling opportunities, educational assistance, and access to employment skills training. This category does not include emergency shelters as defined in ORS 197 while the applicable provisions are in effect, nor does it include residential care homes or facilities. See: [Emergency Shelter](#), [Residential Care Facility](#), [Residential Care Home](#).

## Uses Permitted by Zone

### 12.000 Uses permitted by zone.

USE	SF	MD	A	NC <sup>1</sup>	GC	DB <sup>3</sup>	MU	LI	I	PF	SR <sup>4</sup>
<b>Residential</b>											
<del>†</del> Single-Family Dwelling	P	P	P	P	<del>†</del> P <sup>6</sup>	<del>†</del> P <sup>6</sup>					C
<del>†</del> Duplex	C <sup>5</sup>	P	P	P	<del>†</del> P <sup>6</sup>	<del>†</del> P <sup>6</sup>	P				C
Residential Care Home	P	P	P	P		P <sup>6</sup>					C
<del>†</del> Transitional Housing	<del>†</del> C	<del>†</del> C	P	P	P <sup>6</sup>						

<b>Accessory</b>											
<del>†</del> Solar Energy Farm <sup>16</sup>	-	-	-	-	<del>†</del> P	-	-	<del>†</del> P	<del>†</del> P	<del>†</del> P	-

<b>Commercial Services</b>											
<del>†</del> Medical Office			C	P	P	P	P	<del>†</del> C	<del>†</del> C <sup>19</sup>		C
Residential Care Facility	C	<del>P</del> C	<del>P</del> C	P	P	P <sup>6</sup>	P				C

<b>Public</b>											
Community Food Services <sup>27</sup>				C	C			C	C <sup>19</sup>	C	
<del>†</del> Government Office	<del>†</del> C	<del>†</del> C	C	C	C	C	C	C	<del>†</del> C <sup>19</sup>	P	C
<del>†</del> Social Services Office			<del>†</del> C	<del>C</del> X	C	<del>C</del> X	<del>C</del> X	C	<del>†</del> C <sup>19</sup>	C	

19 Commercial uses shall be accessory or secondary to an industrial or light industrial use and if located on a separate lot, the commercial use shall be located not more than 150 feet from the external boundary of the lot containing such industrial or light industrial use.

26 Intentionally Omitted

27 Community Food Services may be conditionally permitted as accessory uses to Churches and Hospitals. Community Food Services operating in an accessory capacity and may operate for a maximum of 90 days within any calendar year only in zones where both the primary and accessory uses are permitted.

## **Solar, Wind, and Innovative Alternative Energy**

### **14.700 Solar energy farms.**

- ~~A. Purpose. Solar energy systems shall not consume large industrial sites as defined in the City of Klamath Falls Economic Opportunities Goals and Policies.~~
- ~~B. Uses Conditionally Permitted. A solar energy farm is conditionally allowed as an accessory use in the following zones: Light Industrial (LI); Industrial (I); General Commercial (GC); and Public Facility (PF).~~
- ~~C. Prior to the approval of a solar energy farm, a conditional use permit review shall be conducted in accordance with Chapter 11, Article 4 (Conditional Use Permit). In addition, the conditional use permit shall be reviewed in accordance with the following standards:
  - ~~1. Solar energy farms shall use roof mounting to the fullest capacity of the roof before ground mounting any solar panels.~~
  - ~~2. Solar panels and their supporting structure shall not be bright, shiny or reflective. (Ord. 17-10, 2017)~~~~

### **14.700 Small solar energy systems.**

Allowed Use. A small solar energy system is allowed as an accessory use in all zones in which structures are permitted.

- ~~B. Additional Standards. The small solar energy system shall be aesthetically compatible with the surrounding uses and shall use screening of the solar panels. (Ord. 17-10, 2017)~~

### **14.705 Standards for small solar energy systems.**

- A. Solar panels less than four square feet in size are exempt from the provisions of this section.
- B. Roof-Mounted Systems, Additional Standards.
  - 1. Roof-mounted systems shall be mounted as flush as possible to the roof, but in no case, extend higher than the roof peak height or the maximum structure height, whichever is shortest, for the zone. When the structure has a flat roof, the roof-mounted system may exceed the roof height by no more than three feet.
  - 2. Before any roof-mounted system is installed, the applicant shall comply with applicable Klamath County building codes.
- C. Ground-Mounted Systems, Additional Standards.
  - 1. Support structures for ground-mounted systems shall not exceed 15 feet in height. Total height shall not exceed 20 feet.
  - 2. Ground-mounted solar energy systems are considered structures and must meet applicable setbacks and lot coverage for the zone.
  - 3. Ground-mounted solar energy systems shall be screened by a fence and/or landscaping to mitigate unsightly appearance for other property owners.
  - 4. The overall area used by the ground-mounted solar panels shall be less than the footprint area used by the primary use structures.
  - 5. Before any ground-mounted system is installed, the applicant shall comply with applicable Klamath County building codes.
- D. General Standards.

~~1. Solar panels less than four square feet in size are exempt from the provisions of this section.~~

1. Solar panels and their supporting structures shall not be bright, shiny, or reflective.
2. All wiring serving small solar energy systems shall be buried underground or concealed within the structure it is located on.

~~E. Roof Mounted Systems, Additional Standards. Small solar energy systems should be mounted on the roof of a structure.~~

~~1. Roof-mounted systems shall be mounted as flush as possible to the roof, but in no case, extend higher than the roof peak height or the maximum structure height for the zone, whichever is shortest. When the structure has a flat roof the roof-mounted system may exceed the roof height by three feet.~~

~~2. Before any roof-mounted system is mounted the applicant shall comply with applicable Klamath County building codes.~~

~~F. Ground Mounted Systems, Additional Standards:~~

~~1. Height. Support structures for ground-mounted systems shall not exceed 10 feet in height. Total height shall not exceed 10 feet.~~

~~2. Ground-mounted solar energy systems are considered structures and must meet applicable setbacks and lot coverage for the zone.~~

~~3. Ground-mounted solar energy systems shall be screened by a fence and/or landscaping to negate unsightly appearance for other property owners.~~

~~4. Ground-mounted solar energy systems shall be located in the rear or side yards. No small solar energy systems shall be allowed in the front yard. (Ord. 17-10, 2017)~~

# State Emergency Shelter Siting and Operating Standards

## State Emergency Shelter Siting and Operating Standards

### SECTION 1.

Sections 2 and 3 of this 2021 Act are added to and made a part of ORS chapter 197.

### SECTION 2.

- (1) As used in this section, “emergency shelter” means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.
- (2) A building or cluster of buildings used as an emergency shelter under an approval granted under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first special session):
  - (a) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less, notwithstanding ORS 215.130 (7).
  - (b) May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.
- (3) An approval of an emergency shelter under section 3 of this 2021 Act or section 11, chapter 12, Oregon Laws 2020 (first spec

### SECTION 3.

- (1) A local government shall approve an application for the development or use of land for an emergency shelter, as defined in section 2 of this 2021 Act, on any property, notwithstanding ORS chapter 195, 197, 197A, 215 or 227 or any statewide plan, rule of the Land Conservation and Development Commission or local land use regulation, zoning ordinance, regional framework plan, functional plan or comprehensive plan, if the emergency shelter:
  - (a) Includes sleeping and restroom facilities for clients;
  - (b) Will comply with applicable building codes;
  - (c) Is located inside an urban growth boundary or in an area zoned for rural residential use as defined in ORS 215.501;
  - (d) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;
  - (e) Has adequate transportation access to commercial and medical services; and
  - (f) Will not pose any unreasonable risk to public health or safety.
- (2) An emergency shelter allowed under this section must be operated by:
  - (a) A local government as defined in ORS 174.116;
  - (b) An organization with at least two years’ experience operating an emergency shelter using best practices that is:
    - (A) A local housing authority as defined in ORS 456.375;
    - (B) A religious corporation as defined in ORS 65.001; or

- (C) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2018; or
  - (c) A nonprofit corporation partnering with any other entity described in this subsection.
- (3) An emergency shelter approved under this section:
- (a) May provide on-site for its clients and at no cost to the clients:
    - (A) Showering or bathing;
    - (B) Storage for personal property;
    - (C) Laundry facilities;
    - (D) Service of food prepared on-site or off-site;
    - (E) Recreation areas for children and pets;
    - (F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
    - (G) Any other services incidental to shelter.
  - (b) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.
- (4) An emergency shelter approved under this section may also provide additional services not described in subsection (3) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.
- (5) **The approval of an emergency shelter under this section is not a land use decision and is subject to review only under ORS 34.010 to 34.100.**