

BEFORE THE PLANNING COMMISSION  
OF KLAMATH COUNTY, STATE OF OREGON

In re:

Comprehensive Land Use Plan  
Change and Zone Change by  
KLEOS Ministries, Inc.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER

THIS MATTER having come before the Planning Commission upon the application of KLEOS Ministries, Inc., seeking approval of a Comprehensive Land Use Plan change from Forestry to Rural Residential and a zone change from Forestry I to Planned Unit Development. Extensive testimony and exhibits were received from the applicant and its witnesses as well as the parties objecting to the application on February 28, 1984, and March 13, 1984.

NOW, THEREFORE, the Planning Commission hereby makes the following:

FINDINGS OF FACT:

1. Generally:

A. Jeld-Wen Inc., is the deed holder of the proposed site and has given Applicant full authority to act as the authorized agent of Jeld-Wen Inc., in the pursuit of this application. The development of this project is under the exclusive control of Applicant and Jeld-Wen Inc., is committed to and in support of the proposed uses of the land as well as the overall child care project.

B. Applicant intends to provide a private residential child care agency for Southern Oregon and Northern California providing

a family based environment for the care of pre-delinquent, dependant, abandoned, abused and neglected children between the ages of birth and 15 years. The Children's Community is aimed at providing a facility for prevention of juvenile delinquency and crime by developing in these "discarded" children a sense of self worth and responsibility fostered by the "positive family model" of houseparents living in individual homes, with a maximum of 8 children per home, performing all of the activities of work, education, worship and recreation in a structured, stable family setting.

C. The property consists of approximately 189 acres located approximately 3 miles North of Agency Lake and West of State Highway 62, next to the Agency International property, which is zoned as a Planned Unit Development. The property is generally flat with the topography ranging from nearly level to approximately 15 percent slopes. There is presently on the property a stand of pine trees in the southeastern portion of the property which abutts State Highway 62 and the Agency International property and the stand of timber has a substantial intrusion of non-commercial aspen trees jutting easterly from Crooked Creek into the stand of pine trees. The Creek runs in a generally north to south direction through the central portion of the property and is classified as a Class I stream, meaning that it produces fish but is not necessarily a spawning stream.

D. Under the development as proposed, only a very small portion of the acreage, approximately 35 acres of the total 189

acres, will be committed to uses which require this zone change and CLUP change. The remainder of the property will be maintained in either its natural setting or, in the case of the land presently under forest use, the commercial timber productivity of the land will be increased through intensive management techniques made possible by the families laboring together on the land.

E. All other sites proposed by opponents as alternative sites for this project are not as advantageous in terms of aesthetics, accessability or economic benefit to Applicant.

2. County Land Use Planning Goals:

GOAL NO. 1 - Citizen Involvement:

The Planning Department sent out notification to several agencies of concern, including the State Highway Department, the County Health Department, the Department of Environmental Quality and the County Road Department. In addition, adjacent property owners and the Fort Klamath Area Committee Citizen Advisory Group were notified of the pending zone change and land use plan change application. The Planning Department also published Notice of public hearing in the Herald & News as required by the State law.

The unique purpose and mission of the proposed Children's Community galvanized response and participation from all sorts of professional, business and civic groups. The Planning Department has received comments from the local medical community, two of the local judges, the religious community, and several social service agencies. In addition, the Planning Commission received

evidence relative to this application, in favor and in opposition, on two separate evenings and then made public deliberation on their decision on yet another evening covering a period of time from February 28, 1984, through March 27, 1984.

GOAL NO. 2 - Land Use Planning:

From the input of doctors, judges, juvenile department officials and social service workers, it is clear there is a pressing need not only in Klamath County, but statewide for a preventive service agency for adolescent children which provides a positive family model necessary to the positive growth and development of the children. The proposed Children's Community would incorporate all the activities of work, education, worship, and recreation into a cohesive program designed to aid children in their intellectual and spiritual growth toward manhood and womanhood. Even those individuals testifying in opposition to these proposed changes conceded the need for such a facility in Klamath County as well as the desire to support such a facility. The objections of the opponents focused primarily on the proposed location of the facility.

GOAL NO. 3 - Agricultural Lands:

The parcel under consideration does not presently have an agricultural land use designation nor does it have a agricultural zone. Although there are some low quality agricultural soils on the site, the Steiger and Kirk soils which predominate can only be used for range land, production of timber, wildlife support, camp areas, homesites, and limited irrigated pasturage. The

relatively short growing season and rather harsh weather conditions coupled with poor agricultural soils result in no predicted agricultural crop yields for this site. There is no history of agricultural crop production on this parcel and the site is presently used only for marginal commercial forest production along with limited recreation use of Crooked Creek and some grazing of livestock. The overall character of the proposed Community is rural and agricultural in nature in that each of the family units will be given responsibilities for various types of work on the land, such as food production, care of the community livestock, which will graze on the land, and various forestry management tasks. In this regard, the Community is likened to a labor intensive farming and forestry operation and not a housing development. Other considerations set forth in the "Exceptions Paper" designated under both Goals 3 and 4 are likewise applicable to this goal and we hereby incorporate such consideration and findings by this reference.

GOAL NO. 4 - Forest Lands:

A. There is a significant need in Klamath County and the State of Oregon for a residential child care agency to care for pre-delinquent, dependent, abandoned, abused and neglected children between the ages of birth and 15 years. In Klamath County in 1983, Childrens Services Division received in excess of 500 referrals on local children suspected of being abused or neglected. At any given time during 1983, Klamath County had over 100 children in foster care or treatment facilities outside

their own homes. In addition, most of the thirty - plus residential care centers that receive referrals of Klamath County residents have long waiting lists with the waiting time often from 2 to 5 months. In all of the State of Oregon, there are only 14 facilities such as the one proposed here which provide preventive care for adolescent children through a positive family model centered around performing all of the activities of work, education, worship, and recreation in a structured, stable family setting. These 14 facilities are only capable of serving approximately 400 children. It is estimated that approximately 40 percent of the families in the State of Oregon are single parent families which average approximately 2.5 children per family. Out of those single parent families it is further estimated that approximately 35 percent of those children are children who are in need of help provided outside their home.

B. There are several essential characteristics of care which require location of a preventive care facility of this type on resource land.

1) The natural, rural, forested setting has healing and curative capabilities in and of itself. The peace, quiet and stability of nature have been shown to be very positive characteristics aiding in the positive growth and development of children.

2) Instrumental in helping the children is that the family unit works together on the land. Through this the children are not only taught responsibility for assuming and completing

various assigned tasks, but they also learn valuable skills which, at a minimum give them experience to take into the job marketplace and, at best, the skills may form the basis for a career or vacation.

3) It is essential that the Children's Community have its own educational and recreational facilities in order to maximize the positive family role model influence upon children in the shortest possible time. By incorporating all the activities of work, education, worship and recreation into a single cohesive program involving all of the family unit members the children will more quickly achieve a sense of self-worth and responsibility as contrasted with their previous environment from which these children have been discarded and rejected.

C. Only a very small portion of the acreage, approximately 30 to 35 acres of the total 189 acres, will be committed to uses requiring an exception. The remainder of the property will be maintained in either its natural setting or, in the case of the land presently under forest use, the commercial timber productivity of the land will be increased through intensive management techniques made possible by the families laboring together on the land.

D. The forest is privately owned by Jeld-Wen, Inc., and is assessed by the owners as a relatively low productivity parcel. The present timber stand is relatively poor for commercial harvesting in that there are numerous non-commercial trees such as aspens presently on the land which have no commercial value.



E. The non-forest uses of the property are largely restricted to portions of the property where non-commercial trees are presently growing. Hence, very little presently existing commercial timber producing land will be removed from the forest land inventory in Klamath County.

F. There are no other facilities in Klamath County meeting the specific needs of the children in Klamath County and the State of Oregon which this Children's Community will address.

G. While the Children's Community must be located in a rural type setting to be an effective treatment center, it must also be located close enough to Klamath Falls, the only major urban area in Klamath County, in order to be available to the children in Klamath Falls who need treatment as well as involving the citizens of Klamath Falls in the activities at the Children's Community, which is equally essential to aid the children in their intellectual and spiritual maturity.

H. The proposed Children's Community cannot be reasonably accommodated on other resource land that is already committed to non-resource use or by increasing the density of uses on committed lands because there are presently in Klamath County no facilities that would accommodate the Children's Community and meet all of the needs of that Community nor is there any land presently zoned PUD which can reasonably accommodate this use.

I. The Agency International property located adjacent to this parcel has been specifically considered and determined not



suitable to accommodate the Children's community for the following reasons:

- 1) The facility presently existing at that site is not adaptable to the uses proposed by the Children's Community.
- 2) Economic factors including the favorable lease arrangements from the owners of the present parcel make it impractical to place the facility on the Agency International site.

J. The design of the residential areas is intended at this time to utilize lodgepole log housing with very rustic types of roofing and other building material so as to minimize the impact on forested areas.

K. Houses and other structures in the community would be isolated from the road, Highway 62, by a buffer of dense forest growth providing a natural barrier between the Highway and the residential-type uses.

L. Crooked Creek, which passes through the property, will be improved by the Children's Community with the anticipated help and cooperation of the Klamath Tribal members, who are committed to the preservation and improvement of the stream as a fish habitat.

M. The Children's Community will avoid the use of black top, concrete and other impervious surfaces which would not only detract from the scenic value of the property but add to potential storm water runoff. All roadways and parking areas will be gravel composition to improve drainage and absorption as

well as to make the overall development more compatible with the surroundings. All County grading standards in effect at the time of construction will be complied with in order to limit run off and erosion from the limited residential use of the property. Because of the gentleness of the slope on the property, i.e. a maximum of 15 percent, as well as the extremely favorable absorption characteristics of the soil, the small amount of additional run off will not pose any problem to the integrity of the Creek. However, if necessary, the Children's Community will use on-site storm water retention ponds which will be located in naturally contoured areas to handle any excess run off and to minimize the impact on existing forestry use as well as the stream.

N. The proposed use of the property would have no significant adverse impact on any of the surroundings properties in that the non-forestry uses of the property will be buffered from adjacent properties by dense forest growth and Crooked Creek in some areas. There is no indication of any additional storm run off which would significantly affect adjacent land owners or the integrity of Crooked Creek.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources:

It is the intention of the Children's Community to preserve and enhance the character and quality of Crooked Creek in order to improve the fish habitat and increase the fish population in the stream, if such improvements appear necessary and capable of

accomplishment. Present proposals under contemplation would involve adding gravel to the streambed to aid in spawning activities and adding native vegetation to the streambed to increase the feed and natural cover available for the fish. These proposals are to be acted upon in conjunction with the Klamath Tribe before implementation. The proposed site is not an archaeologically sensitive area even though there is some historical significance to the Klamath Tribe. However, the development portions of the project do not encroach upon nor interfere to any appreciable degree upon such historical significance. An ESSE Paper has been prepared for the general area as a part of the County's Comprehensive Land Use Plan legislative process and such study reveals no site-specific concerns for this particular site. There is further no significant proof that the site serves as a bedding ground for deer and there is no proof whatsoever that the site is either a nesting ground or fly way for bald eagles. The areas immediately adjacent to the stream will be maintained in as natural a state as possible to reduce erosion and other problems associated therewith.

The proposed type rustic log homes and other buildings will blend well with the natural and scenic resources in the area and black top and other impervious surfaces will be avoided because of detracting of scenic value and added storm water run off. The roads proposed for the areas will be gravel composition to improve drainage and absorption as well as to make the overall development more compatible with the natural surroundings.

GOAL NO. 6 - Air, Water and Land Resources Quality:

Sewage Disposal will be individual septic tanks and will comply with all necessary health requirements, including Klamath County Health Services Department approval of all such septic facilities, and all legal setback requirements from Crooked Creek as well as potable water wells. Potable water for the individual homesites and common areas will be provided by individual wells or with a limited well-sharing type of arrangement where possibly two or three residents would share the same well. The development will comply with all County grading standards in effect at the time of development in order to limit run off and erosion. Hence, water quality will be preserved and maintained and there is no apparent danger to water levels or water quality in area wells.

GOAL NO. 7 - Natural Disaster and Hazard Area:

Historically there have been no significant flooding problems in this area and the area proposed for the limited residential development is substantially above Creek levels and far enough away so as not to encroach on any water channels necessary for spring run off. Phase 1 of the development includes a fire hall which would be equipped with some type of pumper equipment to respond to fires on the development as well as aiding the Chiloquin Fire District in responses to fires occurring in the immediate area of the development. The natural slope of the site is well below the 25 percent slope restriction Policy No. 3, and the gentleness of the slope should mean that

there will be little run off from developed areas of the site which will reach the Creek because of the extremely favorable absorption characteristics of the soil.

GOAL NO. 8- Recreational Needs:

The proposed development has its focus on providing a place in society for "discarded" young people and instrumental in helping these young people this provision for various types of recreation opportunities on the development such as canoing, fishing, camping, as well as structured participant sports which will take place after the playing field is constructed. The proposal also includes construction of a church camp retreat facility which will provide recreational opportunities for local churches as well as out of County churches and organizations to meet and enjoy the recreational possibilities.

GOAL NO. 9 - County Economy:

The approval of this development would result in at least 20 to 25 additional jobs being generated in the Fort Klamath area. The initial capitalization of Phase 1 for the first year of operation will result in projected expenditure of approximately \$336,000. Total capitalization for all 4 phases of the project is presently estimated at approximately \$2.5 million. It is also projected during the first 12 months of operation, operational exditures will be approximately \$150,000 with that figure increasing on an annual basis to approximately 6 times that figure, or \$900,000 per year, when all 18 residences are operational. The funds generated for this enterprise will be

from private sector donations from corporations, churches and individuals which will bring new dollars to the Klamath Basin rather than recirculate the money which is presently in the Basin. The proposed intensive management of the commercial forest lands should also increase tax revenues to Klamath County and the State of Oregon.

GOAL NO. 10 - Housing:

The entire development is planned to make the residential portions of the plan compatible with the present existing use of the property as a forestry resource. Use of lodgepole materials will provide a rustic, natural setting which will be compatible with the forestry use on the property and the surrounding forestry and agricultural uses. Intensive management of the forest areas involving the purging of unwanted debris and brush and the site-specific tree planting will not only increase dramatically the yield of the forested area but will also decrease the probabilities of insect infestation and fire hazard.

GOAL NO. 11 - Public Facilities and Services:

The development is accessed by State Highway 62 and no significant additional burden will be imposed on that access. All employees of the Community are required to live and work on the premises and therefore, it will not be necessary to transport themselves to and from work. Electricity will be provided by Pacific Power & Light and telephone will be provided by a combination of AT&T and Pacific Northwest Bell. The proposed facility will pose no additional burden on any of the school or



special districts in the area as the facility will have its own school and fire station. Additionally, all staff on site will have extensive first aid and other emergency services training which will result in increased medical emergency aid to local residents.

GOAL NO. 12 - Transportation:

Because the development is a self-contained community, there will be no significant additional traffic burden along Highway 62 and the roads within the development will meet all required county specifications.

GOAL NO. 13 - Energy Conservation:

Employees of the Community will live and work in the development and will not have jobs outside the development requiring that they transport themselves to the workplace. The construction of the homes will be by lodgepole log construction which is a renewable resource and which also affords a fairly high degree of insulation capability. The development may also include the use of both active and passive solar mechanisms to maximize the energy efficiency of all of the buildings located in the development.

GOAL NO. 14 - Urbanization:

Not applicable.

CONCLUSIONS OF LAW:

THEREFORE, based on the foregoing, we specifically conclude:

1. The subject property is not agricultural land as defined by Goal 3 of the Comprehensive Plan.



2. This designation will have no significant impact on agricultural and forestry uses located nearby.

3. The subject property is "forest land" as defined by Goal 4 of our Comprehensive Plan, but the proposed use is justified as set forth herein and with particularity in the "Exceptions Paper" earlier approved by this body.

4. This land use designation and zone change is consistent with each of the statewide and County land use planning goals and furthers many of them as well as our policies pursuant to them as hereinabove noted.

#### ORDER OF DESIGNATION:

NOW, THEREFORE, we hereby designate as a rural land use designation the real property which is specifically described in the record. We further hereby designate the zone for such real property as planned unit development. In order to be implemented the following conditions shall be complied with:

1. The standards and processes of the County land development code and State of Oregon Rules and Regulations shall be met.

DATED this 24th day of April, 1984.

Richard N. Milipowitz  
Richard N. Milipowitz, Chairman

Mildred C. Brooks  
Mildred Brooks, Member

Gordon DeArmond  
Gordon DeArmond, Member

John Monfore  
John Monfore, Member

APPROVED AS TO FORM:

Robert D. Boivin  
Robert D. Boivin  
County Counsel

Return: Commissioners Journal

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for  
record on the 25th day of April A.D., 1984 at 8:55 o'clock A M,  
and duly recorded in Vol M84 of Deeds on page 6771.

EVELYN BIEHN, COUNTY CLERK

Fee: \$ None

by: Pam Smith, Deputy