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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

Vol 1185 Page 10804

10804

1 AN ORDINANCE AMENDING ORDINANCE)
 2 NO. 44.2 AND 44.4 ADOPTING AMEND-)
 3 MENTS TO THE COMPREHENSIVE LAND)
 4 USE PLAN FOR KLAMATH COUNTY, AND)
 5 DECLARING AN EMERGENCY.)

ORDINANCE NO. 44.6

RECEIVED
JUL 11 1984
COUNTY CLERK

6 WHEREAS, on February 16, 1984, Klamath County adopted
 7 Ordinance No. 44.2 relating to the adoption of a Comprehensive
 8 Land Use Plan; and

9 WHEREAS, on June 20, 1984, Klamath County adopted
 10 Ordinance No. 44.4 relating to the adoption of revisions to a
 11 Comprehensive Land Use Plan; and

12 WHEREAS, the Klamath County Board of Commissioners have
 13 considered the recommendations of the Klamath County Planning
 14 Commission relative to certain further amendments to the Klamath
 15 County Comprehensive Plan, public hearings having been held on
 16 December 10, 1984, at 10:00 a.m.; and

17 WHEREAS, notice of this meeting was published in the
 18 Herald and News, a newspaper of general circulation, on
 19 November 29 and November 30, 1984;

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

22 1. Part III, Land Development Code, identified in Section
 23 #1 of Ordinance No. 44.2 is hereby repealed.

24 2. The amendments to the adopted Klamath County Compre-
 25 hensive Land Use Plan which are attached hereto, marked
 26 Exhibit "A", "In the Matter of Lands Rezoned from Non-Resource
 27 Use to Resource Use Due to the Lack of Evidence Submitted in
 28 Regard to ORS 197.732, at the Public Hearing of December 10,
 1984;" Exhibit "B", "Comprehensive Plan Revision List;" and

ORDINANCE NO. 44.6
 Page 1 of 2 Pages

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1 Exhibit "C", "Legislative Findings in Support of Ordinance,"
2 and incorporated herein by reference are hereby adopted.

3 Emergency Clause: This Ordinance, being enacted in the
4 exercise of the police power of the Board of County Commissioners
5 and for the purpose of declaring an emergency and being necessary
6 for the immediate preservation of the public peace, health, and
7 safety, and general welfare of the citizens of Klamath County,
8 an emergency is declared to exist and this Ordinance shall be
9 in effect on January 2, 1985.

10 ENACTED AND ORDAINED by the Board of County Commissioners
11 of Klamath County, Oregon, this 18th day of December, 1984.

12 BOARD OF COUNTY COMMISSIONERS

13 Roger Hamilton
14 Roger Hamilton, Chairman

15 Carroll Zon Gerbert
16 Carroll Zon Gerbert, Commissioner

17 Nell Kuonen
18 Nell Kuonen, Commissioner

19 ATTEST:

20 Donna A. Simic
21 Recording Secretary

22 APPROVED AS TO FORM:

23 Robert D. Boivin
24 Robert D. Boivin, County Counsel

25 ORDINANCE NO. 44.6
26 Page 2 of 2 Pages

KLAMATH COUNTY, OREGON

10806

IN THE MATTER OF LANDS REZONED FROM)
NON-RESOURCE USE TO RESOURCE USE DUE)
TO THE LACK OF EVIDENCE SUBMITTED IN)
REGARD TO ORS 197.732, AT THE PUBLIC)
HEARING OF DECEMBER 10, 1984.)

EXHIBIT "A"

This matter came before the Board of County Commissioners of Klamath County upon the requirement of the Land Conservation and Development Commission, specifically referenced in the DLCD Staff Report dated May 18, 1984.

That report states on page 22 under "Exceptions" the following:

ORS 197.732 and OAR 660, Division 4, provides standards for determining an exception to a Goal. To justify an exception, a conclusion supported by substantial evidence must demonstrate that the standards for an exception have been met. ORS 197.732(1) is quoted in its entirety below:

A local government may adopt an exception to a goal when:

(a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;

(b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or

(c) The following standards are met:

(A) Reasons justify why the state policy embodied goals should not apply;

(B) Areas which do not require a new exception cannot reasonably accommodate the use;

(C) The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts

1 are not significantly more adverse than
2 would typically result from the same
3 proposal being located in areas requiring
4 a goal exception other than the proposed
5 site; and

- 6 (D) The proposed uses are compatible with other
7 adjacent uses or will be so rendered through
8 measures designed to reduce adverse impacts.

9 To justify an exception under the committed lands process
10 (Goal 2, Part II(a) and (b)), the exact nature and extent
11 of the areas found to be physically developed or irrevocably
12 committed must be shown on a map or otherwise
13 described and keyed to the appropriate finding of fact
14 (OAR 660-04-025(2)). The findings of fact must include
15 substantial evidence in the record addressing the
16 following factors:

- 17 1. Existing adjacent uses;
- 18 2. Public facilities and services (water and sewer lines,
19 etc.);
- 20 3. Parcel size and ownership patterns of the exception
21 area and adjacent lands;
- 22 4. Neighborhood and regional characteristics;
- 23 5. Natural boundaries or other buffers separating the
24 exception areas from adjacent resource land;
- 25 6. Physical development according to OAR 660-04-025; and
- 26 7. Other relevant factors.

27 OAR 660-04-028 further states that a conclusion that land
28 is irrevocably committed to uses not allowed by the
applicable Goal shall be based on one or more of the factors
listed above. The conclusion shall be supported by a
statement of reasons explaining why the facts support the
conclusion that it is impracticable to apply the Goal
to the particular situation or area.

On page 13, the DLCD Staff Report states:

The (sic) justify rural residential development,
findings addressing the following are necessary:

OAR 660-04-0222(2) Rural Residential Development:
For rural residential development the reasons cannot
be based on market demand for housing, except
as provided for in this section of this rule,
assumed continuation of past urban and rural
population distributions, or housing types and

cost characteristics. A county must show why, based on the economic analysis (sic) in the plan, that there are reasons for the type and density of housing planned which require this particular location on resource lands. A jurisdiction could justify an exception to allow residential development on resource land outside an urban growth boundary by determining that the rural location of the proposed residential development is necessary to satisfy the market demand for housing generated by existing or planned rural industrial, commercial, or other activity in the area.

I. Physically Developed and Irrevocably Committed Exception Sites

Klamath County finds that the areas identified below are not physically developed or irrevocably committed to non-resource use as defined by OAR 660-04-000. These lands (presently zoned for residential, commercial, or industrial use) will, therefore, be designated with the plan and zone designation contained within the parentheses.

EXCEPTION SITE NO.

River Basin	Residential	Commercial	Industrial
1	_____	_____	_____
2	_____	_____	_____
3	2-4 (F) 5-2 (EFU-CG) 12-4 (FR) 18-4 (FR) 19-4 (FR) 20-4 (FR) 40-4 (FR) 41-4 (FR) 42-4 (FR) 49-4 (EFU-CG) 50-4 (FR)		
4	2-4 (F) 10-4 (EFU-CG) 12-4 (F) 23-4 (EFU-CG) 33-4 (EFU-CG)*		6-1 (EFU-CG)

River Basin	Residential	Commercial	Industrial
5	5-4** 12-4** 16-4 (EFU-CG)		
6	1-1 (EFU-CG) 2-3 (NR) 3-3 (NR) 5-4 (EFU-CG) 9-4 (FR) 53-4 (EFU-C) 60-4 (EFU-CG) 62-4 (EFU-CG) 64-4 (EFU-CG) 65-4 (FR) 73-4 (FR) 76-4 (EFU-C) 83-4 (EFU-C)		
7	3-4 (FR)*** 11-4 (FR) 18-4 (NR) 30-4 (EFU-C) 41-4 (EFU-C) 81-4 (NR) D-30 (FR)		

*Eastern 20 acres, only.

**These properties are included within the Running Y Ranch need exception submittal and will be zoned R-1.

***Easterly 2/3 of site, only.

II. Need Exception Sites

OAR 660-04-020(1) provides four factors that must be addressed when taking an exception to a Goal.

Klamath County finds that the substantial evidence required to address these factors cannot at this time be provided for the lands listed below. These lands will,

///

///

therefore, be rezoned to the designation
indicated.

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<u>Exception Site No.</u>	<u>Property Owner</u>	<u>Rezone Designation</u>
6	A. Campbell	EFU-C
7	Abner-Kinney	EFU-C
10	T. Smith	EFU-C
11	G. Galletti	EFU-C
12	Walsh	EFU-C
13	Sumner	EFU-C
14	Murphy	EFU-C
15	Metler	EFU-C
16	Bowden	EFU-C
17	Cave	EFU-C

KLAMATH FALLS URBAN AREA

December 10, 1984

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RURAL AREAS

PLANNED UNIT DEVELOPMENTS						
P.U.D. Site No.	P.U.D. Site Name	General Location			Revised Plan Des.	Revised Zone Des.
		T	R	S		
1	Wagon Trails/Little River Ranch	23	9	1, 2, 11, 12	R	R-1
2	Diocese of Baker Church Retreat	23	9	26	R	R-1
3	Gilchrist	24	9	19, 20	R, CG	R-1, CG
4	WRECO	36	6	4, 7, 8, 15, 22, 23	R	R-1
5	Red Baron	34	7, 7½	13, 18	CG	CR
6	Spring Cr. Resort	34	7	4	CG	CR
7	Lupids Cafe Area	35	7	16, 21	CG	CR
8	Kl. Forest Estates Mobile Home Park	34, 35	7	35, 20	R	R-1
9	Bley-Was	37	14	3	RCR	RCR
10	Round Lake	39	8	7	R	R-1
11	Ponderosa of Klamath, Ltd.	39	8	10, 15, 16, 20, 21, 22, 28, 29	NR	NR

Note: Planned Unit Development Overlay Zone to be applied to each area.

Note: Comprehensive Resource Overlay Zone to be applied to each area.

Klamath Falls Urban Area

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Planned Unit Developments						
P.U.D. Site No.	P.U.D. Site Name	General Location			Revised Plan Des.	Revised Zone Des.
		T	R	S		
12	Cove Point	38	8	1, 12	R	R-1
13	Tanglewood	38	9	14, 15	UR, CG	RM, CG
14	Reames	39	9	7, 8, 17, 18	CG	CR
15	Summers Lane Mobile Home Park	39	9	10	UR	RM
16	Bristol Ave. Apts.	39	9	11	UR	RH
17	Country Green	39	9	13	UR	RL
18	East Hills Estates	39	9	1	UR	RL
19	Shield Crest	39	10	5, 8	R	R-1
20	Falcon Heights	39	9	34	R	R-1

Note: Planned Unit Development Overlay Zone to be applied to each area.

Geothermal Resource Areas						
G.R. Site No.	G.R. Site Name	General Location			Revised Plan Des.	Revised Zone Des.
		T	R	S		
A	Olene Gap	39	10	2, 10, 11, 12, 13, 14, 15, 22, 23, 26, 27, 33, 34, 35	AG, FOR, NR, IND	EFU-CG, FR, NR, IH

Note: Geothermal Resource Overlay Zone to be applied to each area.

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11. POLICY: A Planned Unit Development Overlay zone or a Geothermal Resource Overlay zone may be applied to any area designated on the plan map as:

NR	Non-Resource
CG	General Commercial
CT	Transportation Commercial
I	Industrial
R	Rural
UR	Urban Residential
RCR	Rural Community Residential

In order to approve application of the Planned Unit Development Overlay Zone or Geothermal Resource Overlay Zone to land designated for resource use, an exception to the applicable Statewide Planning Goals must be adopted through the plan amendment process.

Rationale:

- o To provide for flexibility of uses in areas of the County designated for non-resource use in response to changing public needs, desires, and rates of development, through the zone change process.
- o To ensure that the value to the County of P.U.D. or Geothermal Resource use of land designated for resource use outweighs the value to the County of its use as agricultural or forest land, through the plan amendment and goal exception processes.

Implementation:

- o The Land Development Code allows for application of the P.U.D. Overlay Zone and Geothermal Resource Overlay Zone through the zone change procedure. If land proposed for application of these overlay zones is designated for agricultural or forest use, an exception to the applicable Statewide Planning Goals, through the plan amendment process, will be mandatory.
- o Industrial and commercial uses are the primary uses intended in areas to which the Geothermal Resource Overlay Zone is applied. All residential development proposed within these areas will not be approved until the industrial or commercial land uses are in place.

Klamath County Comprehensive
Plan and Implementing Zones and Designations

Plan (Designation)

Forestry (F)

Agricultural (AG)

Non-Resource (NR)

Rural (R)

Rural Community Residential (RCR)

Urban Residential (UR)

General Commercial (CG)

Transportation Commercial (CT)

Industrial (I)

Open Space and Conservation
(OS/C)

Planned Unit Development (PUD)

Geothermal Resource (GR)

Implementing Zone
(Designation)

Forestry (F)

Forest/Range (FR)

EFU-Grazing (EFU-G)

EFU-Cropland/Grazing (EFU-CG)

EFU-Cropland (EFU-C)

Non-Resource (NR)

Rural-1 (R-1)

Rural-5 (R-5)

Rural Community Residential (RCR)

Suburban Residential (RS)

Low Density Residential (RL)

Medium Density Residential (RM)

High Density Residential (RH)

General Commercial (CG)

Recreation Commercial (CR)

Community Commercial (CC)

Neighborhood Commercial (CN)

Transportation Commercial (CT)

Highway Commercial (CH)

Light Industrial (IL)

Heavy Industrial (IH)

Open Space and Conservation
(OS/C)

Planned Unit Development (PUD) *

Geothermal Resource (GR) *

This page is to replace Page 14 of the Comprehensive Plan.

Overlay Zones:

Flood Hazard*
Significant Resource*
Approach Safety*
Airport Noise*
Planned Unit Development (PUD)*
Geothermal Resource (GR)*

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Boundaries:

Urban Growth Boundary (UGB)
Rural Community Boundary (RCB)
Rural Service Center Boundary (RSB)

*These zones shall be listed as "special purpose" zones in the Land Development Code.

16. POLICY: The County shall establish appropriate densities and corresponding levels of services for rural lands.

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Rationale:

- o The level of service provided for unincorporated communities, rural residential, and rural resource lands must be evaluated to assure lifestyles and characteristics of those areas are maintained in accordance with Statewide Planning Goal 11 (Public Facilities).

Implementation:

- o Based on past development activities in rural areas, the County establishes the following appropriate densities and corresponding levels of services:

<u>PLAN DESIGNATION</u>	<u>Min. Allowable Lot Size</u>	<u>Is A Community Sewer System Appropriate?</u>	<u>Is A Community Water System Appropriate?</u>
I. <u>Rural Community Residential (RCR)</u>			
A. Bly	5,000 sq. ft.	Yes	Yes
B. Gilchrist	5,000 sq. ft.	Yes	Yes
II. <u>Rural (R)</u>			
A. Rural Service Centers			
1. Beatty	1 acre	No	Yes
2. Beaver Marsh	*1 acre	No	Yes
3. Chemult	*1 acre	No	Yes
4. Crescent	*1 acre	Yes	Yes
5. Crescent Lake	*1 acre	No	Yes
6. Dairy	1 acre	No	Yes
7. Diamond Lake Junction	1 acre	No	Yes
8. Fort Klamath	5 acres	No	Yes
9. Henley	1 acre	No	Yes

<u>Rural Service Centers (cont'd)</u>		<u>Min. Allowable Lot Size</u>	<u>Community Sewer System</u>	<u>Community Water System</u>
				10817
10.	Keno	1 acre	No	Yes
11.	Midland	1 acre	No	Yes
12.	Olene	1 acre	No	Yes
13.	Rocky Point	*1 acre	No	Yes
14.	Sprague River	1 acre	No	Yes
B. Other Rural Areas		<u>Min. Allowable Lot Size</u>	<u>Community Sewer System</u>	<u>Community Water System</u>
		1 acre (R-1)	No	Yes
		*5 acre (R-5)	No	No
III.	<u>NON-RESOURCE LANDS (NR)</u>	20 acre	No	No
IV.	<u>RURAL COMMERCIAL AND INDUSTRIAL (I, CG, CT)</u>	N/A	No	No
V.	<u>RURAL RESOURCE LANDS (EFU ZONES, F, FR)</u>	See Zone	No	No

*Some areas within these rural service centers have groundwater conditions that could result in poorly functioning septic or water systems. Development within these areas which utilize an individual septic system shall therefore be limited to a 5-acre density. Densities of 1 acre may be allowed only if Health Department approved individual systems are used.

NOTE: *A "Yes" indicates that the proposed development of a community water (or sewer) system is appropriate and no plan amendment is required.

*A "No" indicates that the proposed development of a community water (or sewer) system may be appropriate and that a plan amendment may be required prior to approval of the development and an exception to Goal 14 may be required. 11 and/or

*The maximum number of residential units allowed and the levels of sewer and water services provided in areas to which the P.U.D. or Geothermal Resource Overlay Zone is applied are governed by the minimum lot size and the levels of services allowed for the applicable plan designation, as listed above.

Language to be deleted at bottom of page.

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17. POLICY: The County shall require a plan amendment to change from a "Non-Resource" designation (1 dwelling unit/20 acres) to a higher density rural designation. A change from rural service center or built and committed area (1 dwelling unit/5 or 1 acre) to a rural community designation (1 dwelling unit/5,000 sq. ft) will require a plan amendment and exception to Goal 14 (Urbanization).

Rationale:

- o Because the zoning and densities applied to rural lands within Klamath County is based on specific criteria which is supported by inventory information contained in the Atlas and other documents, a plan amendment is appropriate.

Implementation:

- o The County shall use the plan amendment process as provided in Articles 48 and 49A of the "Land Development Code."

18. POLICY: A change from a lower density rural zone to a higher density rural zone must be supported by findings addressing each of the factors used in establishing densities for committed lands (see "Non-Resource Planning Process," pp. 10-11). Approval of such a request requires a finding of consistency with the intent of the "rural land" definition or an exception to Goal 14 shall be required.

Rationale:

- o Because the zoning and densities applied to rural lands within Klamath County is based on specific criteria, a finding of consistency with this criteria is appropriate.

Implementation:

- o A finding of consistency with the intent of the "rural land" definition, and findings addressing each of the committed lands density criteria shall be required for zone change requests to a higher density.
- o If a finding of consistency with the intent of the "rural land" definition cannot be made, an exception to Goal 14 (Urbanization) shall be required.
- o This Policy shall apply only to the following zone change requests:

Rural-5 to Rural-1
~~Rural-5 to Rural Community Residential (5,000 sq. ft.)~~
~~Rural-1 to Rural Community Residential (5,000 sq. ft.)~~

LEGISLATIVE FINDINGS IN SUPPORT OF ORDINANCES
NO. 44.6 and 45.3

This statement constitutes the findings and conclusions demonstrating that the legislative amendments to the Klamath County Comprehensive Plan text and map and Klamath County Land Development Code text and map concerning Planned Unit Developments and Geothermal Resource Areas adopted by Ordinances No. 44.6 and 45.3 comply with applicable provisions of the Statewide Planning Goals, Klamath County Comprehensive Plan, and Klamath County Land Development Code. The amendments addressed by these findings include the following:

- (1) The replacement of Klamath County Comprehensive Plan (Plan) Goal 2, Policies 11 and 12 with a new Policy 11. Ordinance 44.6, Exhibit B
- (2) The deletion of Planned Unit Development (PUD) and Geothermal Resource (GR) from the list of Klamath County Comprehensive Plan and Implementing Zones and Designations on page 13 of the Plan; and the addition of Planned Unit Development (PUD) and Geothermal Resource (GR) to the list of Overlay Zones on page 14 of the Plan. Ordinance 44.6, Exhibit B
- (3) The revision of Plan Goal 11, Policy 16. Ordinance 44.6, Exhibit B
- (4) The replacement of Klamath County Land Development Code (Code) Section 52.001 (Planned Unit Development Zone) with a new Section 52.001 (Planned Unit Development Overlay Zone). Ordinance 45.3, Exhibit A

- (5) The replacement of Code Section 52.006 (Geothermal Resource Zone) with a new Section 52.006 (Geothermal Resource Overlay Zone). Ordinance 45.3, Exhibit B
- (6) The amendments of Plan and Code Maps to apply an appropriate other-than-resource plan designation (UR, RCR, R, NR, CG, CT or I), and corresponding underlying zoning district designation, with a PUD Overlay Zoning Designation to every area which had previously been designated and zoned PUD on these maps. Ordinance 44.6, Exhibit B
- (7) The amendment of Plan and Code maps to apply the AG, for and NR plan designations, and the corresponding underlying EFU-CG, FR and NR zoning designations, to the Olene Gap area, which had previously been designated and zoned GR on these maps. Ordinance 44.6, Exhibit B

Taken altogether these amendments change Klamath County's previous system of permanent PUD and Geothermal Resource Plan Map and Zone Map designations to a system of floating PUD and GR Overlay Zones which can be applied to any underlying designation and zone if proper procedures and criteria are followed (zone change ones for application to designations/zones for other than resource use; plan amendment and goal exception ones for application to resource designations/zones). Having been so applied, certain characteristics of the overlay zone (e.s., residential density levels of services) will still be governed by the underlying zone, which was originally selected through the County's basic planning process.

This change to an overlay zone approach gives property owners the additional flexibility of retaining the underlying use of their land should they get hung up in the PUD or GR plan

approval process. It also better integrates use of the PUD and GR zones into the County's overall planning process than did the former fixed designation/zone approach.

The new PUD and GR Zoning district texts also carry out Comprehensive Plan policies better and give more guidance to property owners because basic standards for density, services, etc. are now determined by the preexisting zone. In addition the new PUD Overlay Zone contains a new section on Conceptual Plan Approval Criteria which will provide essential guidance to property owners developing Concept Plans and county officials reviewing them. These standards provide for and recognizes the features of a PUD that have always made it a valuable planning tool - e.g., sensitivity to open space, natural resources, adjacent uses, wildlife habitat, etc. It also set out a procedure for and time limit on the granting of extensions to the developer.

I. Statewide Planning Goals

LCDC determined in Acknowledgment Order 84-ACK-135 and Continuance Order 84-CONT-134, issued August 6, 1984, that Klamath County's Plan and Land Use Regulations complied with Goals 1 and 3-13, but not with Goals 2 (Land Use Planning) or 14 (Urbanization). Thus, a demonstration that the above amendments do not affect a previous LCDC conclusion of compliance with a particular Goal should be sufficient to demonstrate that the County Plan and Regulations remain in compliance with that Goal.

A. Goal 1 (Citizen Involvement)

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The amendments listed above do nothing to alter or restrict citizen involvement in all phases of the planning process or the County's Approved Citizen Involvement Program (CIP). Revised Plan Goal 2 Policy 11, requires that approval of a PUD or GR Area on land designated for other than resource use be accomplished through the zone change process (Code Article 47), which requires a public hearing. Furthermore, if application of the PUD or GR Overlay Zone is proposed for land designated and zoned for resource use, new Plan Goal 2 Policy 11 requires that a Goal exception be adopted through the plan amendment process (Code Article 49A), which also requires public hearings.

Public notice of the Planning Commission and Board of Commissioners public hearings held on December 10, 1984 concerning these Plan and Code Amendments was published in the Klamath Falls Herald and News on November 29 and 30, 1984. Notice of these hearings was also posted in the Klamath County Courthouse, Courthouse Annex, Klamath Falls City Hall and Post Office on November 13, 1984. On November 30, 1984 notice of these hearings and the text of the proposed Plan and Code Amendments were mailed to the chairmen of the County's Citizen Involvement Area Committees. On December 3, 1984 written notice of these proposed amendments to the Plan and Code was sent to the Department of Land Conservation and Development pursuant to ORS 197.610.

Conclusion. The amendments listed above do not affect the plan and regulations' prior compliance with Goal 1. The adoption of these Amendments afforded adequate opportunities for citizen involvement consistent with Goal 1

B. Goal 2 (Land Use Planning)

In its August 6, 1984 Continuance Order, LCDC found that the County's Plan did not yet comply with Goal 2 because the County's exceptions from Goals 3 and 4 for 19,381 acres of resource land (175 sites) had not been adequately justified, and because the PUD designation and zoning of the 1950 acre Ponderosa of Klamath, Ltd. (Ponderosa) site, had not been demonstrated to be in compliance with Goals 11 and 14 and to be consistent with Plan policies and implementing regulations.

1. Adequate Factual Base

The findings, the record established in the County's proceedings leading to adoption of Ordinance Nos. 45.3 & 44.6 and the County's Plan and inventory documents demonstrate that there is an adequate factual basis in support of adoption of the amendments listed above.

2. Consistency with Comprehensive Plan

See Section II, below, which is incorporated here as well.

3. Coordination with Plans of Affected Governmental Units

County Plan policies requiring and facilitating coordination with affected governmental units (e.g., Goal 2 Policies 2 and 3; Goal 11 Policies 8 and 9; Goal 14 Policy 2) are not affected by the above amendments. Furthermore, both the new PUD and GR Overlay Zoning Districts retain (at Sec. 52.001.E.1., and 52.006.E.1.) the provisions of the previous PUD and GR zones which allow the Planning Director to invite representatives from other county departments or public agencies to attend the

mandatory Concept Plan Review Conference.

4. Goal Exceptions

If a local government proposes allow use of a specific property which does not comply with some or all goal requirements applicable to that property it must adopt a goal "exception" pursuant to ORS 197.732 and Goal 2, Part II. This requirement is maintained by the amendments listed above. First, new Goal 2 Policy 11 requires that an exception to applicable resource goals must be adopted if the PUD or GR Overlay Zone is applied to land designated for resource use. Second, the amendments to Goal 11, Policy 16 do not change the policy's statement that an exception to Goal 11 and 14 may be required to allow community sewer and/or water systems on non-urban designated land.

Finally, Plan Goal 11, Policy 17, which requires an exception to Goal 14 if a plan map designation is changed from Nonresource (NR) to Rural (R) or Rural Community Residential (RCR), or from R to RCR; and Policy 18, which requires an exception to Goal 14 when Rural designated land zoned R-5 is rezoned to R-1, unless the change is found consistent with the Plan's definition of "rural land", have not been changed. The Goal 11, Policy 18 "implementation" section has been amended to remove R-5 to RCR or R-1 to RCR zone changes from the policy's purview. Such zone changes would also require a Plan Map change from R to RCR and; therefore, under Plan Goal 11 Policy 17, would in all instances require an exception to Goal 14. Resource lands which had previously been designated and

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zoned PUD or GR were the subject of exceptions, based on "development", "commitment" or the specific characteristics of the PUD or GR development proposed for the site. These exceptions either were acknowledged by LCDC in its Order 84-ACK-135 or are currently in the process of being revised, with adequate findings to be adopted in the near future, by the County. The change of that PUD or GR designation and zone to another type of designation and underlying zone, with a PUD or GR Overlay Zone, does not, in itself, alter the development existing or approved for that site, and does not affect the validity of those previously adopted and acknowledged goal exceptions.

Conclusion. For the reasons stated, the amendments listed above comply with Goal 2.

C. Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands)

These goals require protection of land which is "agricultural land" or "forest land" as defined in the goals. LCDC's August 6, 1984, Order 83-ACK-135 found the County's entire plan and land use regulations to comply with Goals 3 and 4.

The amendments to the Plan listed as (1) through (3) above do not affect the Plan's Goal 3 and 4 policies. The new Plan Goal 2 Policy 11 prohibits application of the PUD or GR overlay zones to resource-designated land unless a goal exception is justified. The new PUD Overlay Zone section of the Code actually enhances compliance with Goals 3 and 4 because its new PUD Concept Plan approval criteria include specific requirements that the PUD development "cannot create a significant hardship on

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those [resource operations] surrounding the proposed development." Sec. 52.001.G.7. An identical criterion was retained in the GR overlay zone. Sec. 52.006.G.7.

The Plan and Code Map amendments listed above as item (6) include the application of nonresource-type plan designations and zoning designations, with a PUD or GR overlay zone, to numerous sites which had previously been designated and zoned PUD or GR. This action does not require the adoption of any additional exceptions to Goals 3 or 4 because these sites either (1) are within an adopted or acknowledged Urban Growth Boundary (UGB); (2) are the subject of a previously adopted "developed", "committed" or "needed" (for the purpose of a PUD or a GR area) exception to these Goals, which LCDC has already acknowledged, or which are currently in the process of being revised by the County to obtain LCDC acknowledgment; or (3) are not agricultural or forest land as defined by these Goals (e.g., the 1,950-acre Ponderosa site), and as acknowledged by LCDC.

Resource use plan designations of Agricultural (AG) and Forestry (FOR) and corresponding underlying zones of EFU-Cropland/Grazing (EFU-CG) and Forest/Range (FR) have been applied to resource land portions of the Olene Gap area, to which the GR Overlay Zone has been applied. The application of the GR overlay is proper in this instance because an exception to Goals 3 and 4 for geothermal resource-related development of this area has already been acknowledged by LCDC. Application of resource designations and underlying resource zones to this area insures

that, should the planned GR development fail to occur, and the GR overlay zone be removed, only uses consistent with Goals 3 and 4 would be allowed to occur on the resource portions of the site.

Conclusions. The above-listed amendments do nothing to alter the basis in the Plan and Code for LCDC's previous grant of acknowledgment of Goals 3 and 4 compliance. The amendments are themselves consistent with Goals 3 and 4.

D. Goal 5 (Open Space, Scenic and Historic Areas and Natural Resources)

Goal 5 requires the conservation of open space and protection of natural and scenic resources. LCDC's August 6, 1984, Order 84-ACK-135 found the county's Plan and land use regulations complied with this Goal.

The plan text amendments listed as items (1) to (3) above do not include any changes to the Plan's acknowledged Goal 5 policies. The map amendments accomplished by item (6) above do not effect any Goal 5 resources found on the subject sites because, with one possible exception, the PUD and GR developments existing on or approved for these sites remain unchanged.

The one change which possibly could affect the PUD's allowed on these sites, as well as those approved for other sites in the future, concerns the residential density allowable in rural, undeveloped PUD's. Under the previous PUD designation and zone there was no limit on the density which could be allowed in a PUD in a rural area. There was also no limit on the extent to which the density allowed could be "clustered" onto one or more

portions of the site. The amendments to Plan Goal 11 Policy 16 and the new "Rural Density" subsection of the PUD Overlay Zone (Sec. 52.001.C.) limit the number of residences in a PUD to the number that would be allowed on the site by the underlying zone. Additionally, the PUD Overlay Zone Rural Density subsection restricts the extent to which the apparent residential density in a rural PUD can be increased through "clustering", by requiring a minimum lot size of at least one acre per residence and by prohibiting both "clusters" of more than 20 residences on lots of two acres or less and the location of "clusters" of five or more such residences within 1,000 feet of one another.

These new restrictions on numbers and density of residences in rural PUD's can only enhance protection of Goal 5 resources, e.g., fish and wildlife habitat, natural areas, wetlands, groundwater resources. The one Goal 5 resource which the County's ability to protect might be impaired by the adoption of the new PUD Overlay Zone is open space. Theoretically, the new restrictions on the extent of residential "clustering" in a rural area would reduce somewhat the maximum amount of common open space that could be preserved at a specific site. However, any such effect will be insignificant to the County's acknowledged program for conservation of needed open space (see Plan, Goal 5 Policies 18-20), which does not rely on use of the County's PUD approval process for that purpose.

Finally, the adoption of the new PUD Overlay Zone provisions actually enhances County compliance with Goal 5 because the new

PUD Concept Plan approval criteria include a requirement that PUD development on a site "shall have minimum adverse impacts" on Goal 5 resources. Also, compliance with Article 83 (Significant Resource Area Overlay) is specifically required. Sec. 52.001.G.8.

Conclusions. The above-listed amendments do nothing to disturb LCDC's previous conclusion that the County's Plan and Regulations comply with Goal 5. The only possible adverse effect these amendments could have on the County's ability to protect Goal 5 resources is a decrease in the maximum amount of common open space that could be preserved in a rural PUD. However, this limitation is not a significant change to the County's needed open space conservation program; and, therefore, these amendments are consistent with Goal 5.

E. Goals 6 (Air, Water and Land Resources Quality), 7 (Areas Subject to Natural Disasters and Hazards), 8 (Recreational Needs) and 9 (Economy of the State)

These goals do not apply to the Plan and Code text and map amendments concerning PUD's and GR areas listed above. There is nothing in these text and map changes (since in this instance the map changes do not change the uses existing or proposed for the subject sites) which affects LCDC's previous acknowledgement of the County's Plan and Regulations on these goals. In one minor way, the adoption of the new PUD Overlay Zone enhances the County's ability to comply with Goal 7. It includes a Concept Plan Approval Criteria the requirements that soil conditions must be suitable for the proposed PUD, and that any unstable soil

problems must be resolved prior to approval of the Concept Plan. See Sec. 52.001.G.2.

F. Goal 10 (Housing)

Goal 10 requires local governments to provide sufficient buildable land to meet citizens' housing needs. There is only one manner in which the amendments listed above could possibly have an impact on the purposes of Goal 10. As was described under subsection D above, the amendments to Plan Goal 11 Policy 16 and the new PUD Overlay Zone Sec. 52.001.C. do decrease the number of housing units theoretically allowable in rural PUD's by limiting the maximum number to that allowed by the underlying zone district.

However, this change in no way conflicts with Goal 10, or removes the Plan and Code from compliance with Goal 10, because the goal's requirement to provide buildable lands for housing applies only within urban and urbanizable areas. The County has previously recognized this in its Plan Goal 10 Policy 7, which requires the County to ensure adequate buildable land within UGB's and rural community boundaries only. Also, the County's Plan and LCDC's acknowledgment demonstrate that its existing amounts of nonresource use designated/zoned land are adequate to provide for any needed rural housing, even without use of the PUD process.

Conclusions. These amendments comply with Goal 10 because they do nothing to restrict the County's ability to meet the housing needs of its citizens within UGB's and have no

significant effect on its ability to meet the housing needs of its citizens in rural areas.

G. Goal 11 (Public Facilities and Services)

Goal 11 requires the County to ensure that development in rural areas is supported by appropriate levels of public facilities and services. LCDC would only acknowledge the County's Plan and regulations as being in compliance with Goal 11, via a "delayed signing" of its acknowledgment order, if the County adopted a policy which specifically established the appropriate level of certain facilities and services for different types of rural areas throughout the County (see findings in support of LCDC Order 84-ACK-135, pages 148-148a). In response, June 20, 1984, the County adopted a new Goal 11, Policy 16, which set out appropriate densities and levels of services for rural lands (see Attachment A). On the basis of the County's adoption of that policy (and Plan Goal 11 Policies 17 and 18-which, however, relate more to Goal 14 than Goal 11), LCDC granted acknowledgment of compliance with Goal 11 in its August 6, 1984, Order 84-ACK-135.

The June 20 Goal 11 Policy 16 was not entirely clear as to whether its listed categories covered every type of rural land designation in the County. It said nothing about the appropriate densities and services for GR-designated land. Its only reference to the County's PUD plan designation was a statement that "the provision of sewer and water shall conform to the standards within the appropriate zone." However, the quoted

statement would, in fact, be impossible to apply to PUD-designated land as, under the County's system prior to the current amendments, the "appropriate zone" for land designated PUD in the Plan was the PUD zone itself. The text of the PUD Zone contained no standards for provision of sewer and water services.

The County has resolved this deilemma by its current amendments to its Plan Goal 11 Policy 16 and its change of its former PUD and GR plan/zone designations to overlay zoning designations. The newly revised Plan Goal 11 Policy 16 provides that "the levels of sewer and water services provided in areas to which the PUD or Geothermal Resource Overlay Zone is applied are governed by . . . the levels of services allowed for the applicable plan designation, as listed above." Since LCDC previously concluded that the levels of services allowed by Policy 16 complied with Goal 11, the application of those policies to sites previously designated/zoned PUD or GR, but whose designation/zone has been amended to one listed in Policy 16, e.g., P, CG, NR, must also comply with Goal 11.

The new PUD and GR Overlay Zone also specifically provide that the levels of service appropriate for the development shall be governed by Policy 16, and include concept plan approval criteria that require demonstration that services are adequate for the proposed development. Sec. 52.001.D and G.1, 3 and 4; Sec. 52.006,G.1, 3 and 4). This can only enhance compliance of county land use regulations with Goal 11.

In its previous acknowledgment review, LCDC specifically withheld acknowledgment of the County's plan and zoning regulations for the 1,950-acre Ponderosa site, which was designated/zoned PUD (with an overall maximum density of one dwelling per five acres) at the time, for Goals 2 and 14. See LCDC Continuance Order 84-CONT-134. However, some of LCDC's stated requirements for acknowledgment of this site appeared to relate to Goal 11, rather than Goals 2 or 14. For instance, the findings in support of Order 84-CONT-134 stated (at pages 50 and 51):

Findings indicating that this proposed [Ponderosa] development is consistent with Goal 11 or the County's Goal 11 policies and implementing measures, when in compliance with Goal 11, are still required.

Specific findings addressing Goals 11 and 14 . . . must be addressed before approval to develop this land under the PUD zone can be found in compliance with the Statewide Planning Goals.

LCDC has also indicated on several occasions that it believes the County should apply its Nonresource (NR) designation to the Ponderosa site. For instance, in the findings in support of Order 84-CONT-134, at page 49, LCDC criticized the County for not having addressed, in its approval of a PUD on the Ponderosa site, "why the nonresource zone's 20-acre minimum lot size was not applied to this nonresource designated property." In a letter dated December 4, 1984, to County Board Chairman Roger Hamilton (Attachment B), James F. Ross, DLCD Director, stated:

We would recommend the County rezone the area with the County's Nonresource Zone, which allows one unit per 20-acre lot. Such an action would be consistent with the County's treatment of other nonresource lands.

If the County decides to authorize a PUD on this property at one unit per 20 acres, adequate findings must be provided indicating that the overall concentration and total number of dwelling units are adequately dispersed to insure that such development is "rural" and consistent with Goals 11 and 14.

The County has followed this recommendation from LCDC by applying the NR designation and underlying NR zone (with their 20-acre minimum lot size) to the Ponderosa site. Furthermore, under the amendments to Plan Goal 11 Policy 16 and Code Sec. 52.001.D. described above, the PUD Overlay Zone placed on the site requires that the levels of services appropriate to a PUD on the site be governed by the levels appropriate for the NR designation, as set out in Plan Goal 11 Policy 16, which levels have been acknowledged by LCDC.

Under Plan Goal 11 Policy 16 community sewer and community water systems are considered basically inappropriate for NR designated land, unless an exception to Goals 11 and 14 (to create urban development and levels of services) is adopted. Thus, development of the Ponderosa site as a PUD, without an exception to Goals 11 and 14, would logically be by dwellings with individual sewage disposal systems and water supply systems. Such levels of services are consistent with the Goals' definition of "rural lands" as those "suitable for sparse settlement, small farms or acreage homesites with no or

hardly any public services."

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Conclusions. The above-listed amendments assure that appropriate levels of facilities and services are established for all rural areas in the County, and specifically that development of the Ponderosa site (about which LCDC had particular concern) and other PUD sites is subject to a plan/zone requirement for appropriate rural levels of facilities and services; and thus comply with Goal 11.

H. Goals 12 (Transportation) and 13 (Energy Conservation)

These goals do not apply to the Plan and Code text and map amendments concerning PUD's and GR areas listed above. There is nothing in these text and map changes (since in this instance the map changes do not change the uses existing or proposed for the subject sites) which affects LCDC's previous acknowledgment of the County's Plan and regulations on these goals. In one minor way, the adoption of the new PUD Overlay Zone enhances the County's ability to comply with Goals 12 and 13. It includes as Concept Plan Approval Criteria the requirements that there be adequate road access to a PUD and that energy conservation be addressed as much as possible in the PUD development concept. Code Sec. 52.001.G.5 and 6.

I. Goal 14 (Urbanization)

Goal 14 requires the County to assure that development outside of UGB's remains "rural" in nature, unless an exception to Goal 14 is adopted. LCDC would only acknowledge the County's plan and regulations as being in compliance with Goal

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11 if the County adopted policies which (1) established appropriate minimum residential lot sizes for the County's different rural plan designations; (2) required an exception to Goal 14 if the County changed a plan map designation from NR to R or RCR, or from R to RCR; and (3) required an exception to Goal 14 to change Rural (R) designated land from an R-5 to an R-1 Zone, unless such a change was shown consistent with the "rural land" definition in the Goals (see findings for LCDC Order 84-ACK-135, pages 148-148b). In response, on June 20, 1984, the County adopted new Plan Goal 11 Policies 16-18, which set out the requested requirements (see Attachment A). On the basis of the County's adoption of those policies, LCDC granted acknowledgment of compliance with Goal 11, and with Goal 14 for all portions of the County other than the Ponderosa site, on August 6, 1984.

As was described in detail in Section G above, the June 20 Goal 11 Policy 16 was not clear as to whether it covered all types of rural land in the county, and said nothing about the appropriate densities of development on PUD or GR-designated land. Furthermore, there was nothing in the Code's PUD or GR Zoning District text to limit the densities on these lands. As was the case under Goal 11, the County has resolved this dilemma by its current amendments to its Plan Goal 11 Policy 16 and its change of the former PUD and GR plan/zone designations to overlay zones, where the maximum number of dwelling units is governed by the underlying plan designation and zone. Since

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LCDC previously concluded that the densities allowed by Plan Goal 11 Policy 16 complied with Goal 14, the densities allowed by application of these rural designations to sites previously designated/zoned PUD or GR must also comply with Goal 14.

In its previous review, LCDC specifically withheld acknowledgment on Goal 14 for the 1,950-acre Ponderosa site (which was designated/zoned PUD with a one dwelling per five acres maximum density at the time), stating (at p. 51):

The Ponderosa of Klamath, Ltd. PUD appears to establish 390 dwellings units clustered in an "urban" settlement pattern outside the Klamath Falls Urban Growth Boundary. If these 390 units were occupied by approximately 2.5 people per unit, a new urban area housing 975 people would be created outside the Klamath Falls Urban Growth Boundary. Based on Goal 14's requirements, such a development would violate the urbanization goal.

* * *

Specific findings (emphasis added) addressing Goals 11 and 14 as well as plan policies consistent with other goal and implementation requirements contained in the County's Plan and implementing measures must be addressed before approval to develop this land under the PUD zone can be found in compliance with the Statewide Planning Goals.

LCDC has since indicated, through the December 4, 1984, letter from DLCD Director James F. Ross (Attachment B) that neither (1) requiring that no residential lot on the Ponderosa site be smaller than one acre; nor (2) changing the allowable density of development on this nonresource site to one dwelling per 20 acres would be sufficient to comply with Goal 14's requirement that development of the Ponderosa site (or

presumably of any other rural PUD site) be "rural" in nature. 10838
Rather, the letter strongly suggests that requirements similar
to those adopted by Lane County would be necessary to comply
with Goal 14:

"For your information, our recent acknowledgment of Lane County dealt with a similar problem regarding PUD's and a particular PUD on a 500-acre nonresource parcel. The Commission found Lane County's solution (requiring an exception for any clustered PUD with more than 20 dwelling units) consistent with Goals 11 and 14."

Thus, after further consultation with DLCD staff, and after having been presented by the County's DLCD field representative, Brent Lake, with the language limiting "clustering" which DLCD believes the County must add to its PUD ordinance provisions in order to comply with Goal 14 (see Attachment C), the County adopted Code Sec. 52.001.C. to limit the density and degree of clustering allowed in rural PUD's.

These requirements of (1) a one-acre minimum residential lot size; (2) no "clusters" of over 20 dwelling units on lots two acres or less in size; and (3) no "clusters" of five or more dwellings within 1,000 feet of one another; are adequate to insure that the development allowed in rural PUD's, including a PUD on the Ponderosa site, remains the "sparse settlement" of "acreage homesites with no or hardly any public services" envisioned by the Goals' definition of "rural lands." Under these provisions, the maximum concentration of residences that could be allowed in any rural area without an exception to Goal 14 would be a node of 20 single-family

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dwellings on a minimum of 20 acres, and surrounded by considerable additional open space. There are similar "nodes" of up to 20 dwellings scattered throughout the rural areas of the County at the present time, and they do not constitute "urban" development.

Conclusions. The above-described amendments insure that densities of development in rural portions of the County will be limited to remain "rural" in character; and that no "urban" concentrations of residential development will be allowed to occur on the Ponderosa site (about which LCDC had specific concerns) or other rural PUD sites; and thus comply with Goal 14.

II. Klamath County Comprehensive Plan Policies

A. Goal 1: Citizen Involvement

1. POLICY: The County shall provide for continued citizen involvement opportunities after plan acknowledgment.

As described under Section I.A. of these findings, the new Plan Goal 2 Policy 11 and PUD and GR Overlay Zone districts require that in all instances application of the PUD or GR Overlay Zone, review of the PUD or GR Concept Plan and review of the PUD or GR Development Plan will include public hearings.

Conclusions. The above-listed amendments provide for adequate citizen involvement in the making of decisions to apply the PUD or GR Overlay Zones and to approve PUD or GR Plans; and therefore comply with Plan Goal 1 Policy 1.

B. Goal 2: Land Use Planning

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3. POLICY: The County shall work to coordinate all plans and programs with regional, state, and federal plans and policies.

See Section I.B.3. of these findings.

4. POLICY: The written policies, land use maps, urban growth boundaries, and rural community boundaries shall be changed only by formal amendment of the Comprehensive Plan. All proposed amendments shall be evaluated against the goals. Any such amendment that would result in a violation of one or more goals shall be subject to the exceptions process.

The amendments listed above were evaluated against the Goals, as is required by this policy, and were found to be consistent with the Goals. See Section I of these findings.

6. POLICY: Zoning shall be consistent with the land use plan map.

These amendments changed the County's PUD and GR plan and zone designations to Overlay Zoning districts. New Goal 2 Policy 11 provides that these overlays may be applied to land with nonresource use plan map designations through the zone change process, and to land with resource use plan map designations through the plan amendment and goal exception processes. Each of these processes requires a determination of consistency with Comprehensive Plan policies. In all instances, the underlying zone will remain consistent with the plan map designation.

The discussion under Goal 2 Policy 6 in the Plan states that "the written policies of the Plan provide guidance in zoning, but the Plan still allows some leeway." Allowing the PUD or GR Overlay Zoning District to be applied to land with

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any plan map designation, after the appropriate zone change and/or plan amendment/goal exception process is followed, is within the leeway allowed by this policy.

8. POLICY: All legally existing land uses shall be allowed to continue as either conforming or nonconforming land uses. None of the amendments listed above would affect the continued existence of any existing conforming or nonconforming land use.

13. POLICY: Lands which are not agricultural or forest lands as defined in Statewide Planning Goals 3 and 4 shall be designated Non-resource (NR) and subject to the regulations of the Non-resource (NR) zone contained in the Land Development Code.

The 1,950-acre Ponderosa site is not agricultural or forest lands as defined in Goals 3 and 4, as the County previously determined in the course of adopting its November 25, 1981, Comprehensive Plan. The site was determined by LCDC not to be agricultural or forest land in its findings in support of Order 84-ACK-135, which acknowledged compliance of the County's entire Plan and regulations with Goals 3 and 4. These amendments properly apply a NR plan designation and NR underlying zoning district to this site, as is required by Policy 13.

However, the County has also applied the PUD Overlay Zoning District to the site. Development allowed under the PUD overlay will still be controlled by the Plan and Code's density and service limitations for the NR designation/zone. Thus, New Goal 2 Policy 11, which when interpreted together with Policy

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13 allows the PUD overlay to be applied to NR designated/zoned land through the zone change process, is not inconsistent with Policy 13.

Conclusions. The above-listed amendments are consistent with the applicable Goal 2 policies of the Plan.

C. Goal 11: Public Facilities and Services

12. POLICY: Development proposals shall not be approved unless the types and levels of public facilities and services required are available or are to be provided concurrently with defined levels of development within urban and rural areas.

13. POLICY: New subdivisions will not be approved in rural communities or any other rural area unless there are provisions for the coordinated development of water, sewage and fire protection services appropriate to that area and at levels capable of adequately serving the new development.

These policies require that new developments and subdivisions, which include PUD's and GR areas, not be approved unless it is demonstrated that the appropriate levels of public facilities and services are available and will be provided. The new amendments to Goal 11 Policy 16 are essential to carrying out these policies because they clarify what the appropriate levels of services are for the various rural plan designations. The new PUD and GR Overlay Zone Districts are consistent with these policies because they require the availability of appropriate levels of services to be demonstrated at the time of Concept Plan and Development Plan approvals. See Code Sec. 52.001.F.1.; 52.001.G.1, 3 and 4; 52.001.J.1.; 52.006.G.1, 3 and 4; 52.006.H.1.

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16. The County shall establish appropriate densities and corresponding levels of services for rural lands.

The new amendments to this policy improve the County's ability to carry out the purpose of the policy, as was explained in detail under Section I. G. and I. above. The amendments of the County's plan and zone maps to apply other plan and underlying zone designations to sites which previously were designated/zoned PUD or GR were necessary to establish the appropriate density and services for those areas. The new PUD and GR Overlay Zone districts specifically incorporate the implementation standards listed under this amended policy.

17. POLICY: The County shall require a plan amendment to change from a "Non-Resource" designation (1 dwelling unit/20 acres) to a higher density rural designation. A change from rural service center or built and committed area (1 dwelling unit/5 or 1 acre) to a rural community designation (1 dwelling unit/5,000 sq. ft) will require a plan amendment and exception to Goal 14 (Urbanization).

18. POLICY: A change from a lower density rural zone to a higher density rural zone must be supported by findings addressing each of the factors used in establishing densities for committed lands (see "Non-Resource Planning Process," pp.10-11. Approval of such a request requires a finding of consistency with the intent of the "rural land" definition or an exception to Goal 14 shall be required.

Policy 17 above is inapplicable because none of the Plan and Code map designation changes effected by these amendments involved a change in plan designation from NR to R or RCR or from R to RCR, which would be controlled by Policy 17 above. All were changes from a PUD or GR plan designation. Policy 18 applies only to zone changes which allow a higher density and do not require the plan map amendments covered by Policy 17,

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such as from the lower density R-5 to the higher density R-1. These amendments only changed the zone district of particular sites from the former PUD and GR, which allowed unlimited density, to other rural and urban zoning districts with a PUD or GR Overlay. The new provisions for the PUD and GR Overlays limit their densities to that allowed by the underlying zone. Therefore, none of these zone changes constitutes a change to a higher density rural zone.

Conclusions. The above-listed amendments are consistent with the applicable Goal 11 policies of the Plan.

D. Goal 14: Urbanization

All of the Plan's Goal 14 policies are directed to appropriate development of land within UGB's. The appropriateness of the County's PUD and GR processes for application within UGB's has never been questioned. The overall purpose of the above-listed amendments has been to ensure that use of the PUD and GR processes in rural portions of the County complies with Goals 11 and 14 and with other relevant Plan policies.

One of the Goal 14 objectives established by the Plan is:
Delineate the urban growth boundary in order to identify and separate urbanizable land from rural land to define exceptions properly.

This statement makes it clear that it is an objective of the Plan to prevent inappropriate "urban" levels of development from occurring in rural areas of the County. Section I.I. of these findings explains in great detail how this will be

ensured by the above-listed Plan and Code Amendments adopted by **10845**
this Ordinance.

III. Land Development Code

A. Legislative Amendment of the Land Development Code

Code Section 49.003 sets out the following criteria for approval of legislative amendments to the Code:

The proposed amendment is in compliance with the Statewide Planning Goals and with the Comprehensive Plan Policies.

These two criteria were addressed, and shown to be satisfied, by Sections I and II of these findings.

B. Amendment of the Comprehensive Plan

Code Section 49.003A sets out the following criteria for approval of major amendments to the Plan:

1. That the proposed amendment is in compliance with Oregon Planning Goals.
2. That the proposed amendment is in conformance with all elements and policies of the Comprehensive Plan; and
3. That the proposed amendment is in (sic) supported by specific studies or other factual information which documents the public need for the amendment.

Major plan amendments are defined in Sec. 49.001A as being legislative changes that have widespread impacts. There is no doubt that the amendments addressed here are major amendments, because they affect not only sites which had already been designated/zoned PUD or GR by the County in the past, but also any area of the County for which application of the PUD or GR Overlay Zones may be proposed in the future; and include

changes of general County Plan policies towards development in rural areas. 10846

Criteria 1 and 2 above were demonstrated to be satisfied by Sections I and II of these findings. Criterion 3 is also satisfied by these findings and the record of this proceeding. There is a public need to comply with ORS 197.175 by adopting a Plan and regulations which comply with the Goals, and which LCDC will acknowledge as in compliance with the Goals, pursuant to ORS 197.251. If the County does not obtain acknowledgment of its Plan, it is threatened with the public harm of imposition of an enforcement order pursuant to ORS 197.320 and/or withholding of state revenues pursuant to ORS Oregon Laws, Chapter 827, Section 12. LCDC has indicated by its previous findings and letters that these amendments are necessary for acknowledgment of the remaining portions of the Plan.

Conclusion. The adoption of these amendments complies with the applicable standards of the Land Development Code.

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- o The City of Klamath Falls, Klamath County, South Suburban Sanitary District, Klamath County Fire District No. 1, Stewart Lenox Fire Protection District, and Klamath County Drainage Service District are recognized as the preferred ultimate providers of urban services within the Urban Growth Boundary of Klamath Falls.
 - o Development within a water or sewer service district shall be required to meet the requirements of the preferred provider with respect to provisions of service.
16. POLICY: The County shall establish appropriate densities and corresponding levels of services for rural lands.
- Rationale:
- o The level of service provided for unincorporated communities, rural residential, and rural resource lands must be evaluated to assure lifestyles and characteristics of those areas are maintained in accordance with Statewide Planning Goal 11 (Public Facilities).
- Implementation:
- o Based on past development activities in rural areas, the County establishes the following appropriate densities and corresponding levels of services:

UNINCORPORATED COMMUNITIES

<u>Rural Communities</u>	<u>Min. Allowable Res. Density</u>	<u>Community Sewer System</u>	<u>Community Water System</u>
Bly	5,000 sq. ft.	Yes	Yes
Gilchrist	5,000 sq. ft.	Yes	Yes
<u>Rural Service Centers</u>			
Beatty	1 acre	No	Yes
Beaver Marsh	*1 acre	No	Yes
Chemult	*1 acre	No	Yes
Crescent	*1 acre	Yes	Yes
Crescent Lake	*1 acre	No	Yes
Dairy	1 acre	No	Yes
Diamond Lake Junction	1 acre	No	Yes
Fort Klamath	5 acres	No	Yes

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Rural Service Centers (cont.)

Min. Allowable Res. Density

Community Sewer System

Community Water System

Sanley

1 acre

No

Yes

Keno

1 acre

No

Yes

Midland

1 acre

No

Yes

Glene

1 acre

No

Yes

Rocky Point

*1 acre

No

Yes

Sprague River

1 acre

No

Yes

RURAL RESIDENTIAL (BUILT AND COMMITTED, AND "NEEDED" LANDS)

Min. Allowable Res. Density

Community Sewer System

Community Water System

1 acre (R-1)

No

Yes

5 acre (R-5)

No

No

P.U.D. - The provision of sewer and water shall conform to the standards within the appropriate zone.

NON-RESOURCE LANDS

20 acre (NR)

No

No

RURAL COMMERCIAL AND INDUSTRIAL

N/A

No

No

Some areas within these rural service centers have groundwater conditions that could result in poorly functioning septic or water systems. Development within these areas which utilize an individual septic system shall therefore be limited to a 5 acre density. Densities of 1 acre may be allowed only if Health Department approved individual systems are used.

Note: A "Yes" indicates that the proposed development of a community water (or sewer) system is appropriate and no plan amendment is required.

A "No" indicates that the proposed development of a community water (or sewer) system may be appropriate and that a plan amendment may be required prior to approval of the development and an exception to Goal 14 may be required.



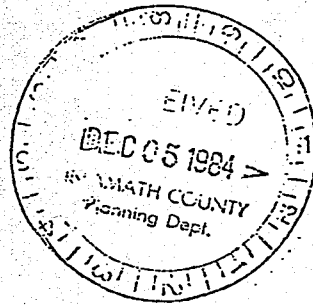
ATTACHMENT "B"

Department of Land Conservation and Development

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1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

December 4, 1984



Roger Hamilton, Chairman
Klamath County Board of Commissioners
Klamath County Courthouse
Klamath Falls, OR 97601

Dear Chairman Hamilton:

This letter is in response to the telephone conversation you had with our Field Representative, Brent Lake, on November 8, 1984. You asked for a Department response to the action taken by Klamath County on October 24, 1984, regarding the proposed Ponderosa of Klamath, Ltd., development.

On November 13, the Department received a copy of the County's action approving the Ponderosa of Klamath, Ltd., development proposal at an overall density of one dwelling per five acres (390 units) with no single lot below one acre in size. This action included the requirement that the proposed development be redesigned.

Not provided for the Department's review were the required findings adopted by the County addressing applicable Statewide Planning Goals (11 and 14) for an "unacknowledged area," (see p. 55, Goal 2 IOTC 5 of the Klamath Co. Ack. Review). Also lacking are findings addressing the County's own Goal 11 policies and Implementation statements; particularly Goal 11 policies 12, 16, 17 and 18.

It is this Department's position that if applied properly, Statewide Planning Goals 11 and 14 and the County's acknowledged Goal 11 plan policies and Implementation statements would require significant modifications to the County's action.

I believe findings consistent with the Commission's (and the County's) "Rural Lands" definition (...other land suitable for sparse settlement, small farms, acreage home sites with no or hardly any public services...) should yield a much different decision. The County must consider whether the overall concentration of development and the total number of dwelling units would result in a level of development that is not rural and would require a significant increase in the demand for public services in an area with no prior history of development. Thus, it is this Department's

Roger Hamilton, Chairman

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December 4, 1984

10850

position that the County cannot justify authorizing this 390 unit PUD clustered on one acre lots without an exception to Goals 11 and 14. Also, given the proximity of this property to the Klamath Falls UGB, an exception to Goals 11 and 14 does not appear feasible.

The Department recommends first, that the County reconsider this decision in a manner consistent with the requirements of Goals 11 and 14 and the County's own Goal 11 policies and Implementation statements. Adequate findings supporting the County's decision need to accompany any submittal for Commission review.

Second, we would recommend the County rezone the area with the County's Non-resource Zone, which allows one unit per 20-acre lot. Such an action would be consistent with the County's treatment of other nonresource lands.

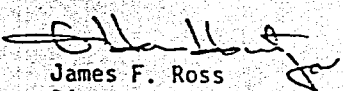
If the County decides to authorize a PUD on this property at one unit per 20 acres, adequate findings must be provided indicating that the overall concentration and total number of dwelling units are adequately dispersed to insure that such development is "rural" and consistent with Goals 11 and 14.

For your information, our recent acknowledgment of Lane County dealt with a similar problem regarding PUDs and a particular PUD on a 500-acre non-resource parcel. The Commission found Lane County's solution (requiring an exception for any clustered PUD with more than 20 dwelling units) consistent with Goals 11 and 14.

Roger, I hope you find that my comments provide you with the direction desired to assist the County in resolving this issue.

If you need further clarification on this matter, please contact Brent in Bend (388-6424).

Sincerely,


James F. Ross
Director

JFR:sp
1661D/4B

cc: Roy Huberd, County Planner Director
Brent Lake



10851
Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

December 7, 1984

Mr. Roger Hamilton, Chairman
Klamath County Board of Commissioners
Klamath County Courthouse
Klamath Falls, OR 97601

Dear Chairman Hamilton:

The Department has reviewed the Geothermal Overlay Zone and the Planned Unit Development (PUD) Overlay Zone that you are considering at your hearing on December 10, 1984. We concur with the changes to the Geothermal zone, but we do recommend a change to the PUD zone.

We recommend the following change to subsection C RURAL DENSITY:

last sentence

For Planned Unit Developments in areas with designations other than Urban Residential (UR) and Rural Community Residential (RCR) the following shall apply:

1. The lot area for each residence shall not be less than one acre in size;
2. Overall concentration of clustered dwelling units shall not exceed twenty (20) units within a single cluster; and
3. No two PUD clusters shall be located within 1000 feet of each other. (For the purpose of this subsection cluster dwelling unit means a unit of two (2) acres or less.)
4. A proposed development exceeding the required list above may be approved provided an exception to the Statewide Planning Goals 11 and 14 is taken.

I will attend the hearing on December 10, 1984 to answer any questions that you may have regarding this matter.

Sincerely

Brent L. Lake

Brent L Lake
Field Representative

2150 N.E. Studio Road

Bend Field Office — ~~STAN W. Hall 3016 203~~ Bend, Oregon 97701 - (503) ~~309-2253~~ 358-6424

Edit Note: To replace III. Non-Resource lands justification, pgs. 13-16, in the Non-Resource packet, "Planning Process for identifying and designating Residential, Commercial and Industrial lands."

Non-Resource Lands

ATTACHMENT "D"

10852

Process:

The County, through its planning process for identifying resource lands (agricultural and forestry), found that several geographic areas of the County did not meet the definitions of farm or forest land as contained in Goals #3 and #4. These "non-resource" lands were found to have a timber site class rating of VII, are predominantly SCS Soil Capability Class VII and VIII, are not needed for wildlife or fisheries habitat, watershed protection, recreational use, are not irrigated or irrigable, and are not necessary to permit farm or forest practices to be undertaken on adjacent or nearby lands.

The "non-resource" lands found to demonstrate the qualities listed above generally include:

- Area 1 - Knot Tableland (19,519.26 acres);
- Area 2 - Plum Hills (2,234.75 acres);
- Area 3 - Areas west and northeast of Keno (2,179.99 acres);
- Area 4 - North face of Stukel (6,797.86 acres);
- Area 5 - Miller Hill (275 acres);
- Area 6 - Hogback Mountain (3,207.37 acres); and
- Area 7 - Orindale (505 acres).

Findings:

Specific findings which support the County's contention of the inapplicability of Goals #3 and #4 to these seven areas follows:

Goal 3:

Part 1 - "Agricultural land in Eastern Oregon is land of predominantly Class I-VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation System..."

Klamath County finds that the seven areas listed previously do not meet "Part 1" of the three-part definition of agricultural lands as contained in statewide Planning Goal #3 (agricultural lands) and restated above. The predominant soil type found in

10853

Area 1 (Knot Tableland) is Merlin extremely stony loam, which carries with it an SCS Soil Class Rating of VII's. This rating is based on a high level of management. The "s" which follows the SCS Rating indicates that the soil is limited mainly because it is shallow, drouthy, or stony.

The predominant soil type found in Areas 2-7 is Lorella very stony loam, rated Soil Class VII by the Soil Conservation Service. Typically, these soils are found on ridge slopes of 2-35%.

Goal 3:

Part 2 - "(Agricultural lands are)...other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices."

Soil Fertility:

Klamath County finds that Area 1 is not suitable for farm use due to poor soil fertility. The Merlin soil which covers this area is shallow (0-14") with an extremely stony surface. This soil's primary limiting factors are its shallow, drouthy, or stony condition. Hard lava bedrock is at a depth of 18".

The OR-1 soil sheets for Merlin soil gives no information on predicted crop yields. According to SCS this absence of an estimated yield indicates that the crops are not suited to or not commonly grown on the soil. Native vegetation consists of low sagebrush and bunchgrass.

Klamath County finds that Areas 2-7 are also not suitable for farm use due to poor soil fertility. The Lorella soils which dominate these areas are shallow (12-20"), very stony, very gravelly, and very cobbly. The OR-1 soil sheets provided by SCS give no predicted yield information for the Lorella soils. Native vegetation consists of juniper, sagebrush, and bunchgrass.

Suitability for Grazing:

Klamath County finds that Areas 1-7 are not suitable for grazing taking into consideration the following factors:

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- A. According to SCS information, because of the extremely stony surface condition and shallow soils seedbed preparation and seeding of poor condition range is not practical.
- B. These soils lie above developed water supplies and little attempt has been made to irrigate or farm these soils. Attempts to provide irrigation water to this area would be economically unfeasible.
- C. The normal growing season is extremely short lasting from 4-1 to 7-1 in Area 1 and 4-1 to 6-15 in Areas 2-7. Normal grazing season in Area 1 is from 5-1 to 11-15, and 4-20 to 12-1 in Areas 2-7.
- D. SCS rangeland information indicates that this area could support at best one cow per three acres for four to six months.
- E. If the range condition of this area further deteriorates (through overgrazing from deer, antelope, or livestock) Idaho fescue and other native vegetation is nearly eliminated. In this condition, much ground is left bare and the soil erosion potential is high. Medusahead wildrye (a noxious weed) is a strong invader on this soil when the range is in poor condition. As a result, grazing values are nearly eliminated.
- F. The fertilization and irrigation which would be necessary to grow adequate feed for grazing would be economically impractical and would, because of the soils rapid runoff characteristic, contribute a substantial amount of nitrogen to nearby water bodies and aquifers (non-point source of pollution).

Climatic Conditions:

Klamath County finds that Areas 1-7 are not suitable for farm use taking into consideration the climatic conditions.

- A. There are 20-50 frost free days in Area 1, with an average of 43°- 45°-F. Areas 2-7 have 90-120 frost free days, and temperatures average 46°- 49°F.
- B. Areas 1-7 average 12"-16" of precipitation annually. Less than 11% of this falls in the summer. Seventy percent falls in the

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months of October to March, much of it as snow. These areas are found at 4100'-6000' elevation.

- C. Because of the droughty conditions, agricultural production in the basin is made possible only by extensive irrigation projects. As noted previously these seven areas are not irrigated or irrigable.

Existing Land Use Patterns:

Klamath County finds that Areas 1-7 are not suitable for farm use taking into consideration existing land use patterns.

Area 1 is almost entirely comprised of privately owned 20-80 parcels. Several large one-acre lot subdivisions are also located within this area. No known agricultural uses are occurring within this area. The parcel sizes and range conditions would allow for grazing of only a limited number of livestock maintained with imported feed. Very limited development exists in the area.

Plum Mills - Area 2

Presently much of this area is steep and virtually undeveloped. Access through the area is limited. Parcels in this area are privately owned and are primarily 40 acres in size with a few scattered parcels of 160-460 acres. No known agricultural uses are occurring within the area.

West and Northwest of Keno - Area 3

Much of the area is presently open space and vacant. Highway 66 and Round Lake Road provide access through the area. Parcels in this area are 40-660 acres in size. With the majority being 120 acres. (One parcel of 1900 acres exists in the area). All parcels are privately owned. Very limited grazing of this area occurs.

North Face of Stukel Mountain - Area 4

This area is presently vacant, steep, and undeveloped. Access through the area is limited. Parcels in this area are all privately owned and quite large, averaging over 640 acres in size. No known agricultural uses are occurring within this area.

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Miller Hill - Area 5

This area is presently undeveloped and vacant. Access to this site is by way of Old Midland Road, a paved County road. Parcels in the area are entirely in private ownership. No known agricultural uses are occurring within this area.

Hogback Mountain - Area 6

Much of the area is vacant, steep, and open space. Access to the property is by way of paved County or several dirt roads to the south. Parcels in this area are privately owned with the exception of a 950-acre parcel in public ownership. No known agricultural uses are occurring within this area.

Orindale - Area 7

This area is presently unimproved and vacant. Highway 140 borders the southwestern edge and provides access to the area. Parcels in this area are privately owned and are primarily 40-acres in size (one parcel consists of 220 acres). No known agricultural uses are occurring within this area.

Existing and Future Availability or Water for Farm Use:

Klamath County finds that Areas 1-7 are not suitable for farm use taking into consideration the existing and future availability of irrigation water.

- A. Because of the poor water holding capacity of the soils (1-2" in Areas 2-7, and 1-4" in Area 1), irrigation would be required for most of the growing season.
- B. The cost of pumping water from a well for cattle or irrigation of feed would greatly reduce the already small profits which may result from cattle grazing on these soils.
- C. According to the State Water Resources Board Areas 1-7 are not irrigated or irrigable. None of these lands are within an irrigation district.

- D. Large volumes of water, which are essential for viable agricultural operations, are not available and would be economically unfeasible to supply.

Technology and Energy Inputs Required:

Klamath County finds that Areas 1-7 are not suitable for farm use taking into consideration the technology and energy inputs required to farm.

According to the Soil Conservation Service, Class VII soils have very severe limitations that make them unsuited to cultivation and have limited use, at best, to pasture. This factor alone limits the likelihood of expenditure on technical and energy inputs to enhance farming.

Expenses for soil preparation and irrigation necessary to make these lands productive would be prohibitive and impractical due to slope, runoff, and depth of soil.

Accepted Farming Practices:

Klamath County finds that Areas 1-7 are not suitable for farm use taking into consideration accepted farming practices which may be employed.

- A. Historically, grazing is the only type of agricultural activity to occur on these lands. Presently, the vegetation found within Areas 1-7 consists of juniper, sagebrush, bitterbrush, (and bluegrass and forbs in Area 1). According to the Soil Conservation Service this is indicative of a deteriorated range condition, most likely the result of overgrazing.
- B. According to the SCS, Areas 1-7 can support, at best, one cow per 2 to 3.5 acres. Comparing this to other parts of the County, the Klamath Marsh with very good management can support two cows per acre, or nearly seven times that of Areas 1-7.

Part 3 - "Lands in other (soil) classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event."

Klamath County finds that Areas 1-7 are not necessary to permit farm practices to be undertaken on adjacent or nearby lands.

- A. Generally, adjacent to all seven areas are agricultural operations of varying nature. Because of density limitations (one dwelling unit/per 20 acres), setback requirements, and a limited amount of buildable land development within these areas should not impact the adjacent agricultural operations. Development of these lands at a lesser density would, however, increase the likelihood of land use conflicts with adjacent or nearby lands. (e.g. drainage, septic tank failure).
- Residential development proposals at a density less than one dwelling unit per 20 acres within these areas must therefore adequately resolve any foreseeable conflicts before approval is granted.

GOAL 4: Introduction

Goal 4 defines forest lands as:

- 1) Lands composed of existing and potential forest lands which are suitable for commercial forest uses;
- 2) other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- 3) lands where extreme conditions of climate, soil and topography require the maintenance of vegetative cover irrespective of use;
- 4) other forested lands in urban and agricultural areas which provide urban buffers, wind breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, and recreational use.

Using this definition and findings listed below, Klamath County concludes that Areas 1 through 7 are:

- 1) not forest lands;
- 2) not suitable for forest uses as listed in Statewide Planning Goal 4; and
- 3) are therefore non-resource and not subject to the requirements of Goal 4.

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Findings:

1. Commercial Timber Production -

- A. Information contained in the OR-1 soils sheets provided by the Soil Conservation Service (included for reference at the end of this report) indicates that Area 1 has no timber site class rating and is not considered suitable for commercial timber production. Aerial photographs of the area reveal only a limited vegetation cover of juniper (non-commercial species), low sagebrush and bunchgrasses. This area is not managed commercially as forest land.
- B. Soil Conservation Service information for Areas 2 through 7 also indicates no timber site class rating. (Area 3 has small, scattered pockets of timber site class V and VI. However, the area consists predominantly of soils unsuitable for commercial tree species. Aerial photographs of these areas indicates scattered juniper, big sagebrush, and bunchgrasses. These areas are not managed commercially as forest land.

2. Other Forest Lands Needed For...

Watershed Protection - The lands contained within areas 1 through 7 are not necessary for watershed protection. (See Goal 5 element, ESEE paper for groundwater resources).

Wildlife Habitat - According to Oregon Department of Fish and Wildlife information, of the seven areas inventoried, only Area 5 (Keno area) has a "significant" wildlife habitat present, that being a low to medium density deer winter range. This range covers nearly 40% of one 1900-acre parcel within the area. The issue of development and impacts to this range have been satisfactorily addressed through previous quasi-judicial and legislative hearings. (See Klamath County Board of Commissioners Order 24-83). The remainder of Area 5 is outside of this range.

Soil Conservation Service information (included for reference at the end of this report) indicates that the Merlin soils found in Area 1 and Lorella soils found predominantly in Areas 2 through 7 are rated fair, at best, as potential wildlife habitat.

Fisheries Habitat - The Klamath River, a significant fish habitat, flows through a small portion of the Keno area. The 100' riparian setback requirement protects this habitat from conflicting uses. There are no other significant fisheries habitats within non-resource lands.

10860

Recreation - Soil Conservation Service information indicates that the Merlin Soils found in Area 1 and Lorella soils found predominantly in Areas 2 through 7 are rated as having moderate to severe constraints for picnic and camp areas due to steeper slopes, stones, and slow percolation. All non-resource areas are in private ownership and not available for public recreation. Additional residential development within these areas will not affect public recreation opportunities.

3. Vegetative Cover -

Within area 1 the vegetative cover consists primarily of low sagebrush and bunchgrasses. Within areas 2 through 7 the vegetative cover is typically juniper, sagebrush, and bunchgrass. Because the erosion and soil loss tolerance hazard is severe in all designated non-resource areas, maintenance of a vegetative cover is necessary. Thus, grazing activities should be limited.

Other forested lands in Urban and Agricultural Areas - Not only is most of the land not forested, but it is not in an urban or agricultural area.

The use of the area for wildlife, fisheries, livestock and recreation has been previously addressed. These areas cannot be used as windbreaks according to SCS ORL sheets.

There are no significant scenic corridors inventoried within areas proposed for non-resource zoning.

DATE: 11/73 BY: JG

LORELLA

SERIES

SOILS:

- (1) Lorella very stony loam, 2 - 3% slopes
2. Lorella complex, 15 - 35% north slopes
3. Lorella loam, 1 - 15% slopes
4. Lorella very stony loam, 2 - 20% slopes
5. Lorella very stony loam, 20 - 40% slopes

The Lorella series consists of well drained soils formed in water-laid weathered fine tuff and basalt. These soils are on ridge slopes and have 1 to 40 percent slopes. Elevations range from 2140 to 4000 feet. Native plants mainly are juniper, big sagebrush and bunchgrasses. Average annual precipitation is 12 to 16 inches, average annual air temperature is 46 to 49°F., and the frost-free period is 90 to 120 days.

Typically, the surface layer is very dark grayish brown very gravelly and very stony loam about 5 inches thick. The upper part of the subsoil is dark brown gravelly clay loam about 5 inches thick. The lower part is dark yellowish brown very gravelly clay about 9 inches thick. The soil is neutral throughout. Tuff bedrock occurs at depths of 10 to 20 inches.

Permeability is slow. Effective rooting depth is 10 to 20 inches. Runoff is rapid and the erosion hazard is severe. Available waterholding capacity is 1 to 2 inches and the water supplying capacity is 5 to 8 inches.

Lorella soils are used for range, irrigated pasture, water supply, and wildlife habitat. They occur on low hills and ridges in south-central Oregon. (Hilman and Smusta Valleys and Basins Land Resource Area DRI)

(Classification: Lithic Argixerolls; clayey-skeletal, nonorthic, basic family.)

ESTIMATED SOIL PROPERTIES

DEPTH FROM SURFACE (in.)	CLASSIFICATION		COARSE FRACT. OVER 3 IN.	% OF MATERIAL 2/ PASSING SIEVE				2/ LIQUID LIMIT	2/ PLAS- TICITY INDEX	PERMEA- BILITY (in./hr)	AVAIL. WATER CAP. 1/ (in./in)	SOIL REAC- TION (pH) 1/	SHRINK SWELL POTEN- TIAL 1/
	USDA 1/ TEXTURE	UNI-2/ FIED		#4	#10	#40	#200						
0-5	Gr. loam, 10cm	SL, GW, 1E	A-2-4, A-4	0-20	55-55	50-50	10-25	25-70	Nonplastic	0.6-2.0	.05-.12	6.5-7.3	Low
5-10	Gr. clay loam	GC, CL	A-6	0-30	55-60	50-75	15-75	35-60	15-20	1.2-0.6	.07-.10	6.6-7.3	Low
10-19	V. gr. clay	GC, SC, CL	A-2-6, A-5, A-7	15-30	55-65	50-50	25-50	20-85	15-25	.05-0.2	.05-.33	6.6-7.3	Moderate
19	Bedrock	—	—	—	—	—	—	—	—	—	—	—	—

DEPTH (in.)	CONDUCTIVITY (mmhos/cm)	CORROSION		WIND EROD. GROUPS	FLOODING			HIGH WATER TABLE			HYDRO- LOGIC GROUP
		STEEL	CONCRETE		FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	KIND	MONTHS	
0-5	—	Low	Low	.32-1	—	—	—	> 6	—	—	D
5-10	—	Mod.	Low	.37	—	—	—	—	—	—	—
10-19	—	High	Low	.32	—	—	—	—	—	—	—

SANITARY FACILITIES AND COMMUNITY DEVELOPMENT				SOURCE MATERIAL AND WATER MANAGEMENT			
USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
SEPTIC TANK ABSORPTION FIELDS	3 1,2,4	Severe Severe	Depth to rock, slope, stones, thin layer clay, clay, clay	ROADFILL	3 1,2,4	Poor Poor	Borrow area damage, thin layer clay, clay, clay
SEWAGE LAGOONS	1,2,3,4	Severe	Depth to rock, slope, stones	SAND	1,2,3,4	Unsuited	Excessive fines
SANITARY LANDFILL (TYPICAL)	3 1,2,4	Severe Severe	Depth to rock Depth to rock, slope, stones	GRAVEL	1,2,3,4	Unsuited	Excessive fines
SANITARY LANDFILL (ALERT)	1,2,3,4	Slight to Severe	Slope	TOPSOIL	3 1,2,4	Poor Poor	Borrow area damage, thin layer clay, clay, clay
DAILY COVER FOR LANDFILL	3 1,2,4	Severe Severe	Stones, thin layer clay, clay	POND RESERVOIR AREA	3 1,2,4	Severe Severe	Depth to rock, slope
SHALLOW EXCAVATIONS	3 1,2,4	Severe Severe	Stones, depth to rock, slope, stones	EMBANKMENTS, Dikes and levees	1,2,3,4	Severe	Compressible, cobbles, stones
DWELLINGS WITHOUT BASEMENTS	3 1,2,4	Severe Severe	Depth to rock, slope, stones	DRAINAGE	1,2,3,4		Not needed
DWELLINGS WITH BASEMENTS	3 1,2,4	Severe Severe	Depth to rock, slope, stones	IRRIGATION	3 1,2,4	Poor Poor	Excessive, rooting depth, clay
SKILL COMMERCIAL BUILDINGS	3 1,2,4	Severe Severe	Depth to rock, slope, stones	TERRACES AND FOUNDATIONS	3 1,2,4	Severe Severe	Excessive slope, depth to rock, slope
LOCAL ROADS AND DRIVEWAYS	3 1,2,4	Severe Severe	Depth to rock, slope, stones	GRASSSED WATERWAYS	1,2,3,4		Not needed

RECREATION

USE	SOIL	FERTILITY	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
CAMP AREAS	3 1,2,4	Moderate Severe	Percolation slowly, slope, stones	PLAYGROUNDS	1,2,3,4	Severe	Depth to rock, slope, stones
PICNIC AREAS	3 1,2,4	Moderate Severe	Slope Slope, stones	PATHS AND TRAILS	3 1,2,4	Slight Severe	Slope, stones

CAPABILITY AND PREDICTED YIELDS - CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

SOIL	CAPABILITY		Pasture (lb/acre/yr)												REMARKS
	NIRK	IRR	NIRK	IRR	NIRK	IRR	NIRK	IRR	NIRK	IRR	NIRK	IRR	NIRK	IRR	
3	—	IVe	—	400											Kentucky bluegrass pasture

WOODLAND SUITABILITY

SOIL	POTENTIAL PRODUCTIVITY		WOOD SUIT. GROUP	MANAGEMENT PROBLEMS					NATIVE SPECIES
	SPECIES	SITE INDEX		EROSION HAZARD	EQUIPMENT LIMIT.	SEEDLING MORTALITY	WINDTHROW HAZARD	PLANT COMPET.	
2,3	Ponderosa pine	59(3)	5d	Slight to Severe	Slight to Moderate	Severe	Severe	Moderate	Ponderosa pine (poorly suited)
1,4,5			5e	Slight to Severe	Severe	Severe	Severe	Moderate	Western juniper
(Most areas of these soils have only juniper; where pine occurs, it is scattered among juniper.)									

WINDBREAKS

SOILS	SPECIES	HT. AGE 20	PERFOR- MANCE	SPECIES	HT. AGE 20	PERFOR- MANCE	SPECIES	HT. AGE 20	PERFOR- MANCE
	None								

WILDLIFE HABITAT SUITABILITY

SOIL	POTENTIAL FOR HABITAT ELEMENTS						POTENTIAL AS HABITAT FOR:					
	GRAIN & SEED	GRASS & LEGUME	WILD HERB.	HARDY TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE	RANGELAND WILDLIFE
3 IRR	Fair	Good	Fair	—	Very poor	Fair	Very poor	Very poor	Fair	—	Very poor	Fair
1,2,3,4 NIRR	Very poor	Very poor	Poor	—	Poor	Poor	Very poor	Very poor	—	—	Very poor	Poor

RANGELAND

RANGE SITE NAME	SOIL	KEY SPECIES AND % COVER	POTENTIAL YIELDS		NORMAL SEASON	
			TOTAL lb/Ac	USABLE Ac/AUM	GROWING	GRAZING
Juniper Rolling Hills	1,3,4,5	Bluebunch wheatgrass 40 Idaho fescue 15 Sandberg bluegrass 10		2.2 - 3	4/1 - 6/15	4/20 - 12/1
Shrubby North Exposure	2	Idaho fescue 50 Bluebunch wheatgrass 10 Bitterbrush 5		2 - 3.3	4/15 - 7/20	5/1 - 11/1

FOOTNOTES

- 1/ Based on soil characterization laboratory data for Lorella soils sampled in Klamath County, Oregon, 1965.
- 2/ Based on engineering test data for Lorella soils sampled in Klamath County, Oregon, 1966.

DATE: 9/73 BY: JC

WHEEL

SERIES

SOILS:

1. Merlin extremely stony loam,
1 - 8% slopes

10863

The Merlin series consists of well drained loam over clay loam and clay soils formed in materials weathered from tuff. These soils have slopes of 1 to 8 percent and are on lava tablelands at elevations of 2400 to 5000 feet. The plant cover is low scrub brush and bunchgrass. Average annual precipitation is 12 to 16 inches. The average annual air temperature is 45° to 48°F, and the frost-free period is 20 to 50 days.

Typically, the surface layer is very dark brown extremely stony loam about 4 inches thick. The upper part of the subsoil is dark brown heavy clay loam about 3 inches thick. The lower part is dark brown heavy clay about 7 inches thick. Buffaceous bedrock occurs at depths of 10 to 20 inches. The soil is neutral throughout.

Permeability is very slow. Effective rooting depth is 10 to 20 inches. Runoff is rapid and the erosion hazard is severe. Available waterholding capacity is 1 to 4 inches and the water supplying capacity is 3 to 10 inches.

Merlin soils are used for range, wildlife habitat, and water supply. They occur on lava tablelands and plateaus in south-central Oregon. (Hermath and Shasta Valleys and Basins Land Resource Area D21)

Classification: Lithic Argixerolls; clayey, montmorillonitic, frigid family.

ESTIMATED SOIL PROPERTIES

DEPTH FROM SURFACE (in.)	CLASSIFICATION			COARSE FRACT. OVER 3 IN.	% OF MATERIAL PASSING SIEVE				LIQUID LIMIT	PLASTICITY INDEX	PERMEABILITY (in/hr)	AVAIL. WATER CAP. (in/in)	SOIL REACTION (pH)	SHRINK SWELL POTENTIAL
	USDA TEXTURE	UNIFIED	AASHTO		#4	#10	#40	#200						
0-4	Loam	ML, PM	A-4, A-2.4	G-15	45-50	40-95	35-80	25-65	Nonplastic	0.6-2.0	.10-.13	6.6-7.2	Low	
4-14	Clay loam clay	CH	A-7	G-5	30-100	75-100	70-100	50-95	55-65	30-40	<.06	.13-.23	6.6-7.2	High
14	Bedrock	---	---	---	---	---	---	---	---	---	---	---	---	---

DEPTH (in.)	CONDUCTIVITY (mhos/cm)	CORROSION		EROD. FACTOR	WIND EROD. R.E.T. GROUPS	FLOODING		HIGH WATER TABLE		HYDRAULIC LOGIC GROUP
		STEEL	CONCRETE			FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	
0-14	---	Low	Low	.22	---	None	---	---	---	---
4-14	---	High	Low	.79	---	GRAVELLED PAN	BEDROCK	FROST ACTION	---	---
						DEPTH (in.)	HARDNESS	DEPTH (in.)	HARDNESS	2 Center reduced 2 classes for steel-
						---	---	10-20	Hard	Medium

SANITARY FACILITIES AND COMMUNITY DEVELOPMENT

SOURCE MATERIAL AND WATER MANAGEMENT

USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
SEPTIC TANK ABSORPTION FIELDS	1	Severe	Depth to rock, percolates slowly	ROADFILL	1	Poor	Borrow area damage, low strength, shrink-swell, stones
SEWAGE LAGOONS	1	Severe	Cobbles, depth to rock, stones	SAND	1	Unsuited	Excessive fines
SANITARY LANDFILL (TRENCH)	1	Severe	Depth to rock, stones, too clayey	GRAVEL	1	Unsuited	Excessive fines
SANITARY LANDFILL (AREA)	1	Slight		TOPSOIL	1	Poor	Borrow area damage, cobbles, stones, thin layer
DAILY COVER FOR LANDFILL	1	Poor	Cobbles, thin layer, stones, too clayey	POND RESERVOIR AREA	1	Severe	Depth to rock
SHALLOW EXCAVATIONS	1	Severe	Depth to rock, cobbles, stones, too clayey	FOUNDATIONS DIKES AND LEVEES	1	Severe	Compressible, hard to bank, cobbles, stones, low strength, thin layer
WELLINGS WITHOUT CEMENTS	1	Severe	Depth to rock, shrink-swell, stones	DRAINAGE	1		Not needed
WELLINGS WITH CEMENTS	1	Severe	Depth to rock, shrink-swell, stones	IRRIGATION	1	Unsuited	Short growing season, rooting depth, stones, percolates slowly
SMALL COMMERCIAL BUILDINGS	1	Severe	Depth to rock, shrink-swell, stones	TERRACES AND DIVERSIONS	1	Severe	Depth to rock, erodes easily, percolates slowly, stones
LOCAL ROADS AND DRIVEWAYS	1	Severe	Depth to rock, low strength, shrink-swell, stones	GRASSSED WATERWAYS	1		Not needed

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RECREATION

USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
CAMP AREAS	1	Severe	Percolation slowly, stones	PLAYGROUNDS	1	Severe	Depth to rock, percolates slowly, stones
PICNIC AREAS	1	Severe	Stones	PATHS AND TRAILS	1	Severe	Stones

CAPABILITY AND PREDICTED YIELDS - CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)

SOIL	CAPABILITY														REMARKS
	NIER	IER	NIER	IER	NIER	IER	NIER	IER	NIER	IER	NIER	IER	NIER	IER	
1	VIIa														

WOODLAND SUITABILITY

SOIL	POTENTIAL PRODUCTIVITY		WOOD SUIT.		EROSION HAZARD		EQUIPMENT LIMIT.		SEEDLING MORTALITY		WINDTHROW HAZARD		PLANT COMPET.		NATIVE SPECIES
	SPECIES	SITE INDEX	GROUP	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	HAZARD	
	None														

WINDBREAKS

SOILS	SPECIES	HT. AGE 20	PERFOR-MANCE	SPECIES	HT. AGE 20	PERFOR-MANCE	SPECIES	HT. AGE 20	PERFOR-MANCE
	None								

WILDLIFE HABITAT SUITABILITY

SOIL	POTENTIAL FOR HABITAT ELEMENTS		WILDLIFE		WETLAND PLANTS		WETLAND WATER		POTENTIAL AS HABITAT FOR:		WETLAND WILDLIFE		RANGELAND WILDLIFE	
	GRAIN & SEED	GRASS & LEGUME	WILDLIFE	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS	WETLAND PLANTS
1	Very poor	Very poor	Fair	Very poor	Fair	Very poor	Very poor	Very poor	---	---	Very poor	Fair		

RANGELAND

RANGE SITE NAME	SOIL	KEY SPECIES AND % COVER	POTENTIAL YIELDS		NORMAL SEASON	
			TOTAL lb/Ac	USABLE Ac/AUM	GROWING	GRAZING
Very Cobbly Land	1	Ilaha fescue 50% Blundunch cheatgrass 5% Candy bluegrass 5%		2.0 - 3.5	4/1 to 7/1	5/1 to 11/15

FOOTNOTES

STATE OF OREGON: COUNTY OF KLAMATH:ss
 I hereby certify that the within instrument was received and filed for record on the 12th day of July A.D.; 19 85 at 9:20 o'clock A M, and duly recorded in Vol M85 of Deeds on page 10804.

Fee: \$ None

Commissioners Journal

EVELYN BIEHN, COUNTY CLERK

by: Benetha A. Ketsch, Deputy