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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR KLAMATH COUNTY, OREGON

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

ORDINANCE NO. 45.3

10901

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

8 WHEREAS, the Klamath County Board of Commissioners  
9 have considered the recommendations of the Klamath County  
10 Planning Commission relative to certain further amendments to  
11 the Klamath County Land Development Code, public hearings having  
12 been held on December 10, 1984, at 10:00 a.m.; and

13 WHEREAS, notice of this meeting was published in the  
14 Herald and News, a newspaper of general circulation, on  
15 November 29 and November 30, 1984;

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

18 1. The amendments to the adopted Klamath County Land  
19 Development Code which are attached hereto, marked Exhibit "A",  
20 "Article 52 - Special Purpose Zones, Section 52.001 - Planned  
21 Unit Development Overlay Zone; Exhibit "B", "Section 52.006 -  
22 Geothermal Overlay Zone"; and Exhibit "C", "Legislative  
23 Findings in Support of Ordinance No. 44.6 and 45.3," incorpora-  
24 ted herein by reference are hereby adopted.

25 Emergency Clause. This Ordinance, being enacted in the  
26 exercise of the police power of the Board of County  
27 Commissioners and for the purpose of declaring an emergency and  
28 being necessary for the immediate preservation of the public  
peace, health, and safety, and general welfare of the citizens

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1 of Klamath County, an emergency is declared to exist, and this  
2 Ordinance shall be in effect on January 2, 1985.

3 ENACTED AND ORDAINED by the Board of County  
4 Commissioners of Klamath County, Oregon, this 18<sup>th</sup> day of  
5 December, 1984.

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7 BOARD OF COUNTY COMMISSIONERS

8 Roger Hamilton  
9 Roger Hamilton, Chairman

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11 Carroll Zorn Gerbert  
12 Carroll Zorn Gerbert, Commissioner

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15 Nell Kuonen, Commissioner

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20 ATTEST:

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22 Dorcas O. Amode  
23 Recording Secretary

24 APPROVED AS TO FORM:

25 Robert D. Boivin  
26 Robert D. Boivin, County Counsel

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ORDINANCE NO. 45.3  
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ORDINANCE 45.3  
EXHIBIT "A"  
ARTICLE 52 - SPECIAL PURPOSE ZONES

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SECTION 52.001 - PLANNED UNIT DEVELOPMENT OVERLAY ZONE

A. PURPOSE: The purpose of the Planned Unit Development zone is to provide opportunities for the innovative development of large areas of land by encouraging their development in a comprehensive, integrated manner, and by allowing modification of the standards for the underlying zone contained in the Land Development Code. The application of the Planned Unit Development zone to a specific geographic area shall be regarded as a change of zone. Upon its approval by the review authority, the Development Plan for the specific Planned Development shall become the basic document for regulating the use and development of the land. It is the further purpose of the Planned Development zone to encourage development which meets two or more of the following objectives:

1. The clustering of development through density transfers in order to preserve a significant amount of open space for use by the residents of the development.
2. The mixing of residential, civic, commercial, or industrial use types in a manner which reduces dependency on the automobile as the exclusive means of transportation by providing housing, employment opportunities, shopping and personal service facilities, and schools in close proximity to each other.
3. The mixing of residential, civic, commercial, and industrial use types in order to utilize community-wide energy system technologies such as district heating.
4. The use of passive and active solar technologies, provided the solar access of these systems is guaranteed as provided by Oregon Law.

B. PERMITTED USES: Any use types which are either permitted or conditionally permitted, as provided by Chapter 5 may be permitted within said Planned Unit Development. All use types which will be included within a Planned Unit Development shall be listed in the Development Plan.

C. RURAL DENSITY: The number of residential units or lots shall not exceed the number that could be allowed for the Planned Unit Development area by the underlying zone. If a Planned Unit Development Overlay Zone is requested and applied to resource zoned land through the goal exception process, the density may be increased to that allowed by other rural, non-resource zones. For Planned Unit Developments in areas with designations other than Urban Residential (UR) and Rural Community Residential (RCR), the lot area for each residence shall not be less than one acre in size.

D. RURAL SERVICES: The levels of services appropriate for Planned Unit Developments in rural areas shall be governed by the Comprehensive Plan policies on appropriate levels of services for rural lands.

E. PROCEDURE: The application of a Planned Unit Development Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 of this Code, combined with approval of a Concept Plan. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding.

1. Prior to submission of an application for a change of zone designation in order to apply the Planned Unit Development Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Subsection F below. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other county or public departments or agencies, may be invited to attend the conference.
2. The hearing body shall consider the Planned Unit Development Overlay Zone change and Concept Plan application at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and concept plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in Subsection G. If requested by the applicant, the hearing body shall consider the Development Plan and any related preliminary subdivision or partition plans at the same public hearing as the zone change and Concept Plan.
3. If approval of the Development Plan is not applied for or obtained concurrently with approval of the zone change and Concept Plan, the applicant must request approval of the Development Plan and any preliminary subdivision or partition plans within one year; provided, however, that if the Development Plan provides for more than one phase of development, only a preliminary subdivision or partition plan for the first phase need be submitted for approval.



4. Development Plans submitted pursuant to Paragraph 3 above shall be considered pursuant to the procedures of Chapter 4 of this Code for zone changes. Approval of Development Plans shall be subject to the criteria of Subsection J.

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5. Preliminary subdivision or partition plans for a Planned Unit Development shall be reviewed pursuant to the applicable land division procedures and criteria of Chapter 4 of this Code, and must conform to the approved Development Plan.

6. In the case of land zoned as Planned Unit Development (PUD) as of January 2, 2000, the Planned Unit Development Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided in Paragraphs 1-5 of this Subsection.

F. CONCEPT PLAN CONTENT:

1. General Narrative - A generalized narrative describing the location of the site, its total acreage, and the existing character and use of the site and adjoining properties; the concept of the proposed planned development, including proposed uses and activities, proposed residential densities if appropriate, proposed types and levels of public facilities and services, and physical land alteration required by the development; and the relation of the proposed planned development to the Klamath County Comprehensive Plan.
2. General Site Plan - A generalized site plan showing the entire parcel with schematic indications of approximate locations of buildings, public and private rights-of-way, parking and loading areas, public and private open spaces, walkways, planting areas, etc.

G. CONCEPT PLAN APPROVAL CRITERIA:

1. Sewage Disposal - The level of sewer service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.
2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

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If the proposed development is located on excessive slopes (of over 25%), the requirements of Article 72 - Site Drainage and Grading, must be met.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.

3. Water - The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
  - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
  - b. If the area is to be served by individual wells, a hydrology report by a registered engineer shall be submitted, showing that the quality and quantity of water on the property are adequate to serve the proposed development.
4. Fire Protection - The proposed development must be within a fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, or private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.
8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways. Compliance with the provisions of Article 83 - Significant Resource Area, shall be required.
9. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.

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10. Other Standards - The reviewing body may require that compliance with other standards it deems necessary (i.e. standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands) be demonstrated.

II. DEVELOPMENT PLAN CONTENT:

1. Statement of Intent - An overall development scheme which states the development intentions of the landowner respecting his property, including but not limited to the following: A statement of location and intensity of proposed uses and activities, including public and private open spaces; a physical description of proposed facilities accommodating such uses, including types of buildings, structures and landscape, and circulation elements; a statement of location and general configuration of lands to be dedicated for public open space and other public uses; a general designation of utilities; a general statement of form of site management proposed in areas of significant natural resources; and a statement detailing the consistency of the proposed development project with major public development programs, including but not limited to freeways, highways, parks, trails, open spaces, utility transmission lines, and the phased schedules of proposed major public facilities.
2. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics at a minimum shall indicate: Perimeter boundaries of the site; streets and driveways, sidewalks and pedestrianways, and off street parking and loading areas; location and approximate dimension of buildings and structures; utilization of buildings and structures, including activities and the number of living units; reservations for public uses, including schools, parks, playgrounds, and other open spaces; and major landscaping proposals. The Planning Director may require graphics presenting additional information as he determines is necessary to support the Statement of Intent.
3. Description of Surrounding Area - A set of maps and statement providing information on the character and use of the surrounding area within 250 feet of the limits of the development.

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4. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the planned development. The contents of the Background Report may include, but are not limited to the following information: A preliminary development schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses, and an indication of the proposed number and type of dwelling units by phase of development; a preliminary population schedule, including estimated residential population for the entire project at its completion and for each type of dwelling unit for each phase of development, calculation of the average residential density, gross acre and per net residential acre by phase, and estimated nonresidential uses included in the proposal and sufficient economic data to support inclusion of such nonresidential uses; and engineering feasibility studies.

I. SITE DESIGN AND DEVELOPMENT STANDARDS:

1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived for a planned development providing that the development plan ~~for planned unit development~~ should indicate where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety and welfare.
2. Standards for roadway improvements in Urban Areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet and adequate drainage facilities as required by the County Engineer.
3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads, under the jurisdiction of a Homeowner's Association, shall meet requirements set by the Planning Commission, subject to a minimum requirement of a fifty (50) feet wide right-of-way, twenty-six (26) feet wide sub-grade width and a traveled way twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders

and adequate drainage facilities as required by the County Engineer.

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J. DEVELOPMENT PLAN APPROVAL CRITERIA:

1. The development plan is consistent with and adequate to carry out the approved concept plan and any conditions imposed on approval of the concept plan.
2. The development plan must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved concept plan.

K. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Subsection G or J, as appropriate.

L. TIME LIMITS, EXTENSIONS AND REMOVAL OF PLANNED UNIT DEVELOPMENT OVERLAY ZONE:

1. A Development Plan must be submitted for approval within one year of the approval of the Concept Plan. Development action, such as construction of capital improvements or sale of land must take place within five years of final approval of the Development Plan.
2. Prior to the expiration dates established in Paragraph 1 of this Subsection, a P.U.D. developer may apply for a time extension on forms provided by the Planning Department, accompanied by the fee established by resolution of the Board of Commissioners. The application for a time extension must contain sufficient information in order to make the findings required. The Planning Director shall approve an extension upon a written finding that the facts upon which the approval of the Concept Plan or Development Plan was based, have not changed to an extent sufficient to warrant refileing of the Concept Plan or Development Plan and upon a finding that no other development approvals would be affected. A maximum of three (3) extensions may be granted, but in no case shall the cumulative length of such extensions exceed three (3) years.

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3. If a time limit established in Paragraph 1 of this Subsection is not met and no extension is granted pursuant to Paragraph 2 or such extension or extensions expire, or if the property owner requests removal of a Planned Unit Development Overlay Zone prior to approval of a development plan, (or prior to initiation of development action), the Planning Director shall initiate, pursuant to Chapter 4 of this Code, a zone change proceeding to remove the Planned Unit Development Overlay Zone from the Planned Unit Development site and redesignate it to the appropriate zone.

SECTION 52.006 - GEOTHERMAL OVERLAY ZONE

ORDINANCE 45.3  
EXHIBIT "B"

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- A. **PURPOSE:** The purpose of the Geothermal Overlay Zone is to efficiently use and maximize significant geothermal resources of Klamath County for industrial and commercial processes.
- B. **APPLICABILITY:** The Geothermal Overlay Zone shall be applied only to land meeting all of the following standards:
1. That all applicable comprehensive plan policies be met with specific consideration of policies numbered Goal #2, Goal #11, Policy #13; Goal #12, Policy #2; Goal #12, Policy #4; Goal #13, Policies #1, #2, and #4.
  2. Data indicating that the quality and quantity of the geothermal resource exists to support the proposed industrial or commercial development.
  3. This overlay zone designation can only be applied to those lands as identified on the Generalized Groundwater Aquifers and Geothermal Resource Map, or where sufficient studies and test wells indicate a significant geothermal resource exists.
  4. That the resource must be used, and used primarily for either industrial or commercial process uses.
  5. That geothermal resource shall be used in accordance with any State or Federal laws in effect. All relevant definitions will be those as listed in State ORS 523.010.
- C. **PERMITTED USES:** Any use types which are either permitted outright or conditionally permitted as provided by Chapter 5 in the Industrial or Commercial zones shall be permitted provided such uses are primary geothermal process users. All use types which will be included within a Geothermal Overlay Zone shall be listed in the Development Plan.
- D. **CONDITIONAL USES:** Residential and convenience commercial uses when secondary to an industrial or commercial geothermal process use will be permitted conditionally. Such uses are permitted within the Geothermal Overlay Zone when they are found to be (1) necessary for the housing of an employee, employees and their families of an identified process use, and (2) a necessary convenience commercial service as support for existing geothermal process use. Commercial and residential uses which are secondary to industrial or commercial process uses which are allowed subject to the following:
1. Any request to develop secondary residential or convenience commercial uses shall identify the specific industrial or commercial geothermal process use or uses for which the residential and convenience commercial uses are necessary, and shall be supported by appropriate documentation showing

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that the number of residential units proposed or that the type of commercial uses is necessary, based on the following:

a. Residential

1. The employment level of the process uses, and
2. The availability of other housing and vacant residential land within a reasonable commuting distance.

b. Convenience Commercial

1. The employment level of the process use or uses, and
2. The availability of other commercial land within a reasonable commuting distance, and
3. The number of approved residential dwellings found necessary to support proposed or existing geothermal process uses.

2. The geothermal concept plan may identify the amount and locations of secondary residential or convenience commercial uses to be developed; however, no land division for residential or commercial uses shall be approved until after issuance of building permits for the process use or uses to which the residential or commercial uses are identified as secondary. No building permits for secondary residential or convenience commercial shall be issued until building permits for industrial or commercial geothermal process use have been issued and construction has commenced.

E. PROCEDURE: The application of a Geothermal Overlay Zone to lands within Klamath County shall be accomplished through a change of zone designation, as provided in Chapter 4 of this Code; combined with approval of a Concept Plan. The applicant may request that approval of the Development Plan and any related preliminary subdivision or partition plans be considered in the same proceeding. If the Geothermal Development Plan contains more than one phase, only the preliminary plat for the first phase needs to be presented for review.

1. Prior to submission of an application for a change of zone designation in order to apply the Geothermal Overlay Zone, the prospective applicant shall submit to the Planning Director a Concept Plan prepared in accordance with the standards provided in Subsections F and G below. Upon receipt of the Concept Plan, the Planning Director shall schedule and hold a Concept Plan Review Conference with the applicant. At said conference, the applicant or his authorized agent shall present the Concept Plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend and, at the discretion of and

as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

2. The hearing body shall consider the Geothermal Overlay Zone change and Concept Plan applications at the same public hearing, pursuant to the procedures in Chapter 4 for zone designation changes. Approval of the zone change and concept plan shall be subject to the criteria for approval of a zone change found in Chapter 4 and the criteria for Concept Plan approval found in Subsection G. If requested by the applicant, the hearing body shall consider the Development Plan and any related preliminary subdivision or partition plans at the same public hearing as the zone change and Concept Plan. Approval of the Development Plan shall be subject to the criteria of Subsection H.
3. Approval of Development Plans shall also be subject to the criteria of Subsection N.
4. Preliminary subdivision or partition plans shall be reviewed pursuant to the applicable land division procedures and criteria and must conform to the approved Development Plan.
5. In the case of land zoned Geothermal as of December 10, 1984, the Geothermal Overlay Zone will be implemented by review and approval of a Concept Plan, Development Plan, and preliminary subdivision or partition plans as provided in Subsections 1-5 of this Subsection.

F. CONCEPT PLAN: Prior to submission of an application for a change of zone designation, the prospective applicant shall submit to the Planning Director a Geothermal Concept Plan addressing the requirements of F and the standards in G below. Upon receipt of a concept plan satisfying one and two below, the Planning Director shall schedule and hold a concept plan review with the applicant. At said conference, the applicant or his authorized agent shall present the concept plan and receive comments from County staff attending the conference. Representatives of the Planning Department and the Department of Public Works shall attend, and, at the discretion of and as deemed desirable and necessary by the Planning Director, representatives from other County or public departments or agencies may be invited to attend the conference.

The Planning Director will schedule a public hearing for a plan amendment, zone change, and if applicable, an exception to statewide planning goals provided the proposed concept plan contains the necessary information. Land designated with a Geothermal Overlay Zone in accordance with Section 52.006 of the Land Development Code will not be implemented until the development plan has received approval.

Minor  
Changes

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1. DESIGN TEAM:

The concept plan and development plan must have stamped or have written approval from at least three of the five following professional disciplines:

- (1) Registered Architect;
- (2) Registered Landscape Architect;
- (3) Registered Engineer;
- (4) Land Use Planner, APA or AICP;
- (5) Registered Land Surveyor.

2. CONCEPT PLAN:

The following information must be submitted within the concept plan:

- a. General Narrative - A generalized narrative describing the:
  - (1) Location of the site;
  - (2) Its total acreage;
  - (3) The existing character, use of the site;
  - (4) Uses of Adjoining properties;
  - (5) Concept of the proposed development, including:
    - (a) Proposed uses and activities;
    - (b) Physical land alteration required by the development; and
    - (c) A detailed description of how the geothermal resource is to be used.
- b. General Site Plan - A generalized site plan showing the entire parcel with schematic indications of approximate locations of:
  - (1) Buildings, including all industrial structures;
  - (2) Public and private rights-of-way;
  - (3) Parking and loading areas;
  - (4) Public and private open spaces; and
  - (5) Circulation plan.

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G. APPROVAL OR DENIAL OF THE CONCEPT PLAN IS SUBJECT TO THE FOLLOWING STANDARDS:

The Concept Plan shall be approved or denied based on the following findings of fact:

1. The level of sewer service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.
2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.  
If the proposed development is located on excessive slopes (of over 25%), the requirements of Article 72--Site Drainage and Grading must be met.  
If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.
3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
  - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
  - b. If the area is to be served by individual wells, a hydrology report by a registered engineer shall be submitted, showing that the quality and quantity of water on the property are adequate to serve the proposed development.
4. Fire Protection - The proposed development must be within a fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, or private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.
7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.

8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways. Compliance with the provisions of Article 83--Significant Resource Area, shall be required.
9. Land Use Conflicts Relating to Industrial/Commercial and Residential Mixes - Would additional residential development create a significant economic hardship on surrounding industrial or commercial development? If so, additional residential development may be denied.
10. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
11. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e., standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).
12. Siting Standards -
  - a. In order to conserve resource lands or to resolve conflicts between the proposed process or residential uses and adjacent farm and/or forest uses and wildlife areas, the reviewing authority may require:
    - (1) The process or residential uses be sited no closer than 100 feet from all other lot lines;
    - (2) The buildings are sited on lands least suitable for farm or forest use;
    - (3) The standards contained in Section 83.010--Compatibility Siting Criteria for Big Game Winter Range Areas shall apply, if applicable.
  - b. Where possible, process or residential uses shall maintain a setback of fifty (50) feet from adjoining property lines (subject to a(1) above).
  - c. No dwelling shall be located closer than seventy-five (75) feet from the front property line. Front line setback is measured from the center of the roadway (subject to a(1) above).
- H. DEVELOPMENT PLAN: This plan may be submitted at the time the Concept Plan is submitted. If not, it must be submitted prior to actual development.

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Approval of the development plan will be made by the Planning Director if there is no major or minor partition or subdivision requested within the development plan or any substantial change from the approved concept plan.

Development plans which propose major or minor partitioning or subdivision or which propose a substantial change from the approved concept plan will be processed pursuant to Chapter 4 of the Land Development Code. Approval or denial of the development plan shall be based on a finding that the following standards have been satisfied:

1. A development scheme which assures that uses are consistent with the approved geothermal concept plan;
2. The development scheme must assure that specific uses intended for the property are located in the area most suited for that use in a manner compatible with adjacent uses and consistent with the approved geothermal concept plan.

Information necessary to evaluate the development plan is as follows:

1. Narrative:

- a. A statement of location and intensity of proposed uses and activities, including:
- b. Public and private open spaces;
- c. A physical description of proposed facilities accommodating such uses, including types of buildings, structure;
- d. Landscaping;
- e. Circulation plan;
- f. Statement of location and general configuration of lands to be dedicated for public open space;
- g. Other public uses, general description of utilities, general statement of form of site management proposed in areas of significant natural resources;
- h. A statement detailing the consistency of the proposed development project with major public development programs, including, but not limited to, freeways, highways, parks, trails, open spaces, utility transmission lines;
- i. The phase schedules of proposed major public facilities;
- j. Schools, fire protection, police protection, sanitary and water facilities;

- k. Where possible, buildings situated on least productive soils;
  - l. Geothermal process temperature needs of the proposed use(s);
  - m. Transportation, shipping, and utility needs of the proposed use(s); and
  - n. Land area needs (developed, expansion, and support areas).
2. Supporting Graphics - A Statement of Intent required above shall be supported by such graphics as are necessary to establish the physical scale and character of the development and demonstrate the relationship among its constituent land uses, buildings and structures, public facilities, and open space. Said graphics as a minimum shall indicate: Perimeter boundaries of the site, streets, driveways, sidewalks and pedestrian ways, and off-street parking and loading areas; location and approximate dimensions of buildings and structures; utilization of buildings and structures; reservations for public uses, parks, and other open spaces; and major landscaping proposals. The Planning Director may require graphics presenting additional information as he determines is necessary to support the Statement of Intent.
3. Description of Surrounding Area - A set of maps and statement providing information on the character and use of the surrounding area.
4. Background Report - The purpose of the Background Report is to collect and present information pertinent to the actual execution and operation of the development. The contents of the Background Report shall be determined during the Concept Plan Review Conference, and may include, but is not limited to, the following information: A preliminary development schedule including anticipated timing for commencement and completion of each phase of development, tabulation on the total number of acres in each separate phase and percentage of such acreage to be devoted to particular uses; engineering feasibility studies must also be submitted.
- I. APPLICATION FOR SITE DESIGN AND DEVELOPMENT STANDARDS:

1. The site development standards contained in Chapter 6 for lot size and shape and building setbacks and yards may be waived in a Geothermal Designation providing that the development plan indicates where the site development standards have been modified and should incorporate replacement standards designed to protect the public health, safety, and welfare.



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2. Standards for roadway improvements in urban areas contained in Section 71.009 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission, subject to a minimum requirement of fifty (50) feet wide right-of-way, eight (8) inches of base rock, twenty-four (24) feet wide pavement, and two (2) feet wide gravel shoulders for a total improved top width of twenty-eight (28) feet, and adequate drainage facilities as required by County Engineer.
3. Standards for roadway improvements in Rural Areas contained in Section 71.010 shall apply to roads to be dedicated to the public on the final plat. Standards for roads that are to remain private roads shall meet requirements set by the Planning Commission subject to a minimum requirement of a fifty (50) feet wide right-of-way, twenty-two (22) feet in width improved with a minimum of six (6) inches of gravel or cinders and adequate drainage facilities as required by the County Engineer.

J. AMENDMENT OF THE CONCEPT PLAN OR DEVELOPMENT PLAN:

Any revisions from the approved Concept Plan or Development Plan shall be reviewed by the Planning Director. Minor revisions may be approved by the Planning Director. Major revisions shall be referred to the Planning Commission for consideration pursuant to the zone change procedures of Chapter 4 of this Code and the approval criteria of Sections F or G, as appropriate.

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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

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(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

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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



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

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 dilemma 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.

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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."

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

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 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

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presumably of any other rural PUD site) be "rural" in nature. 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

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.

16. The County shall establish appropriate densities and corresponding levels of services for rural lands. 10944

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 this Ordinance.

10946

### 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



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

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 1983 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.

- 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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<u>Rural Service Centers (cont.)</u>		<u>Min. Allowable Res. Density</u>	<u>Community Sewer System</u>	<u>Community Water System</u>
Sanley		1 acre		
Mano		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
			No	Yes

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

	<u>Min. Allowable Res. Density</u>	<u>Community Sewer System</u>	<u>Community Water System</u>
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.			
<u>NON-RESOURCE LANDS</u>	20 acre (NR)	No	No
<u>RURAL COMMERCIAL AND INDUSTRIAL</u>	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.



Department of Land Conservation and Development

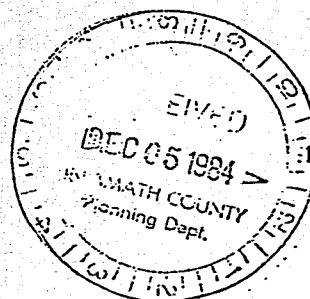
1175 COURT STREET N.E., SALEM, OREGON 97310-0590 PHONE (503) 378-4926

ATTACHMENT "B"

10950

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  
Page 2  
December 4, 1984

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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.

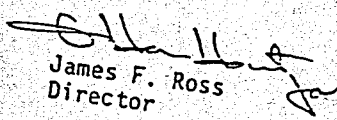
If the County decides to authorize a PUD on this property at one unit per 20 acres, adequate findings must be provided indicating that the overall concentration and total number of dwelling units are adequately dispersed to insure that such development is "rural" and consistent with Goals 11 and 14.

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.

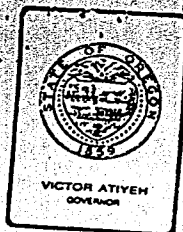
If you need further clarification on this matter, please contact Brent in Bend (388-6424).

Sincerely,

  
James F. Ross  
Director

JFR:sp  
1661D/4B

cc: Roy Huberd, County Planner Director  
Brent Lake



ATTACHMENT "C"

*Department of Land Conservation and Development*

10952

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; and
2. Overall concentration of clustered dwelling units shall not exceed twenty (20) units within a single cluster; and
3. No two PUD clusters <sup>OF 5 OR MORE CLUSTERED DWELLING UNITS</sup> 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 — ~~2150 N. E. Studio Road~~ Bend, Oregon 97701 - (503) ~~309-2253~~ 308-6424

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

10953

Process:

ATTACHMENT "D"

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



10954

Area 1 (Knot Tableland) is Merlin extremely stony loam, which carries with it an SCS Soil Class Rating of VIIIs. 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

10956

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 Hills - 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. 10958

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.

10959

- 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.

10960

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.



10961

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.

SOILS-1 12/72  
FILE CODE SOILS 12

DATE: 11/73 J.D. JO

SOIL INTERPRETATIONS FOR OREGON

LORELLA SERIES

U.S.D.A. SOIL CONSERVATION SERVICE

The Lorella series consists of well drained soils formed in water-washed weathered fine buff and basalt. These soils are on ridge slopes and have 1 to 20 percent slopes. Elevations range from 1140 to 1600 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 2 inches.

Lorella soils are used for range, irrigated pasture, water supply, and wildlife habitat. They occur on low hills and ridges in north-central Oregon. (Hemath and Smeta Valleys and Basins Land Resource Area 224)

(Classification: Lithic Argixerolls: clayey-skeletal, nondurilloidic, usolic family.)

Electrical, non-crillitic, basic family.)  
 Resources Area D21)  
 on low hills

DEPTH FROM SURFACE (in.)	CLASSIFICATION				ESTIMATED SOIL PROPERTIES									
	USDA 1/ TEXTURE	UNI-2/ FIED	2/ AASHO	COARSE FRACT. OVER 3 IN.	% OF MATERIAL 2/ PASSING SIEVE				2/ LIQUID LIMIT	2/ PLASTICITY INDEX	PERMEABILITY (in/hr)	AVAIL. WATER CAP. 1/ (in/in)	SOIL REACTION (pH) 1/	SHRINK SWELL POTENTIAL 1/
					#4	#10	#40	#200						
0-5	Gr. loam, 10m	SLCH, 12	A-2-1, A-4	0-30	55-95	50-50	10-25	25-70	Nonplastic	0.6-2.0	1.0-1.2	6.6-7.3	Low	
5-10	Gr. clay loam	GC, CL	A-2-6, A-5, A-7	0-30	55-95	50-75	15-75	35-60	15-20	1.2-0.6	0.9-1.0	6.6-7.3	Low	
10-19	V. gr. clay	GC, SC, CL		15-30	35-95	30-50	25-50	20-85	15-25	0.05-0.2	0.05-0.13	6.6-7.3	Moderate	
19	Bedrock													
DEPTH (in.)	CONDUCTIVITY (mhos/cm)	CORROSION		PERMEATION FACTORS 1/2 KIT	WIND EROD. GROUPS	FLOODING				HIGH WATER TABLE				
		STEEL	CONCRETE			FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	RIND	MONTHS	HYDROLOGIC GROUP		
													REMARKS	
0-5		Low	Low	.32 1										
5-10		Mod.	Low	.37										
10-19		High	Low	.32										
SANITARY FACILITIES AND COMMUNITY DEVELOPMENT														
USE	SOIL	RATING	RESTRICTIVE FEATURES		SOURCE MATERIAL AND WATER MANAGEMENT									
SEPTIC TANK ABSORPTION FIELDS	3	Severe	Depth to rock, para.	para.	USE	SOIL	RATING	RESTRICTIVE FEATURES						
SEWAGE LAGOONS	1,2,3,4	Severe	Depth to rock, slope, stones	stones	ROADFILL	3	Poor	Borrow area damage, thin layer, borrow area damage, stones, thin layer						
SANITARY LANDFILL (TRENCH)	3	Severe	Depth to rock	stones	SAND	1,2,3,4	Unsuited	Excessive fines						
SANITARY LANDFILL (PILE)	1,2,3,4	Slight to Severe	Slope		GRAVEL	1,2,3,4	Unsuited	Excessive fines						
LATELY COVERED LANDFILL	3	Severe	Stones, thin layer	stones, thin layer, clay	TOPSOIL	3	Poor	Borrow area damage, thin layer, borrow area damage, stones, thin layer						
SHALLOW EXCAVATIONS	1,2,4	Severe	Stones, depth to rock	stones, depth to rock, clay	POND RESERVOIR AREA	3	Severe	Depth to rock, slope						
DWELLINGS WITHOUT BASEMENT	1,2,4	Severe	Depth to rock	stones, depth to rock, clay, stones	EMBANKMENTS, Dikes and levees	1,2,3,4	Severe	Compressible, cobbles, stones						
DWELLINGS WITH BASEMENT	3	Severe	Depth to rock	stones, depth to rock, clay, stones	DRAINAGE	1,2,3,4		Not needed						
SHALL COMMERCIAL BUILDINGS	1,2,4	Severe	Depth to rock, slope	stones, depth to rock, slope, clay, stones	IRRIGATION	3	Poor	Fragility, rooting depth, intensity, rooting depth						
LOCAL EDGES AND STREETS	1,2,4	Severe	Depth to rock, stones	stones, depth to rock, stones, clay, stones	TERRACES AND EMBANKMENTS	1,2,4	Severe	Depth to rock, slope						
					GRASSED WATERWAYS	1,2,3,4		Not needed						

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

CAPABILITY AND PREDICTED YIELDS - CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)													
SOIL	CAPABILITY		Pasture (lbs. feed/Ac.)		CROPS		CROPS		CROPS		CROPS		REMARKS
	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	NIRR	IRR	
3	—	IVe	—	400									Kentucky bluegrass pasture

WOODLAND SUITABILITY									
SOIL	POTENTIAL PRODUCTIVITY		WOOD SUIT. GROUP	EROSION HAZARD	EQUIPMENT LIMIT.	SEEDLING MORTALITY	WINDTHROW HAZARD	PLANT COMPET.	NATIVE SPECIES
	SPECIES	SITE INDEX							
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	PERFORMANCE	SPECIES	HT. AGE 20	PERFORMANCE	SPECIES	HT. AGE 20	PERFORMANCE
	None								

WILDLIFE HABITAT SUITABILITY													
SOIL	GRAIN & SEED	GRASS & LEGUME	WILD HERB.	HARDBOY 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	
						TOTAL lb/Ac	USABLE Ac/AUM
Juniper Rolling Hills	1,3,4,5	Bluestem wheatgrass	40				
		Idaho fescue	15				
		Sandberg bluegrass	10				
		Idaho fescue	50				
		Bluestem wheatgrass	10				
		Bitterbrush	5				
Shrubby North Exposure	2						
				NORMAL SEASON			
				GROWING		GRADING	
				2.2 - 3		4/1 - 6/15	
				2 - 3.3		4/15 - 7/20	
						4/20 - 12/1	
						5/1 - 11/1	

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

OR-50115-1 12/72  
FILE CODE SOILS 12

DATE: 9/73 JR, JC

SOIL INTERPRETATIONS FOR OREGON

U.S.D.A. SOIL CONSERVATION SERVICE

10964

The Merlin series consists of well drained loam over clay loam and clay soils formed in materials weathered from buff. These soils have slopes of 1 to 8 percent and are on lava tablelands at elevations of 4400 to 5500 feet. The plant cover is low sagebrush and bunchgrass. Average annual precipitation is 12 to 16 inches. The average annual air temperature is 42 to 45°F, and the frost-free period is 20 to 30 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 2 inches thick. The lower part is dark brown heavy clay about 7 inches thick. Tuffaceous 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 8 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. (Klamath and Shasta Valleys and Deschutes Land Resource Area 221)

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

acidic, frigid family.

DEPTH FROM SURFACE (in.)	CLASSIFICATION			COARSE FRACT. OVER 3 IN.	ESTIMATED SOIL PROPERTIES						LIQUID LIMIT	PLASTICITY INDEX	PERMEABILITY (in/hr)	AVAIL. WATER CAP. (in/in)	SOIL REACTION (pH)	SHRINK SWELL POTENTIAL
	USDA TEXTURE	UNI-FIED	AASHTO		#4	#10	#40	#200								
0-4	Loam	ML, SM	A-4	0-45	45-50	40-55	35-40	25-35	Nonplastic	0.6-2.0	0.6-2.0	10-18	6.6-7.2	Low		
4-14	Clay loam clay	CH	A-2.4	0-5	50-100	75-100	70-100	50-95	55-65	20-40	<.06	13-22	6.6-7.2	High		
14	Bedrock	---	---	---	---	---	---	---	---	---	---	---	---	---		
DEPTH (in.)	CONDUCTIVITY (mhos/cm)		CORROSION (STEEL/CONCRETE)		FLOODING		HIGH WATER TABLE		HYDROLOGIC GROUP							
	0-14	14-12	Low	Low	FREQUENCY	DURATION	MONTHS	DEPTH (ft.)	KIND	MONTHS						
0-14	---	---	Low	Low	---	---	---	---	---	---						
14-12	---	---	High	Low	---	---	---	---	---	---						
SANITARY FACILITIES AND COMMUNITY DEVELOPMENT																
USE	SOIL	EATING	RESTRICTIVE FEATURES	USE	SOIL	EATING	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 (TREATMENT)	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	EMBANKMENTS Dikes and levees	1	Severe	Compressible, hard to pack, cobbles, stones, low strength, thin layer									
DWELLINGS WITHOUT FOUNDATIONS	1	Severe	Depth to rock, shrink-swell, stones	DRAINAGE	1		Not needed									
DWELLINGS WITH FOUNDATIONS	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, grades usually, percolates slowly, stones									
LOCAL ROADS AND DRIVEWAYS	1	Severe	Depth to rock, low strength, shrink-swell, stones	GRAVELLED WATERWAYS	1		Not needed									

10965

USE	SOIL	RATING	RESTRICTIVE FEATURES	USE	SOIL	RATING	RESTRICTIVE FEATURES
LAND AREAS	1	Covered	Percolates slowly, stones	PLAYGROUNDS	1	Covered	Depth to rock, percolates slowly, stones
PICNIC AREAS	1	Covered	Stones	PATHS AND TRAILS	1	Covered	Stones

CAPABILITY AND PREDICTED YIELDS - CROPS AND PASTURE (HIGH LEVEL MANAGEMENT)													
SOIL	CAPABILITY	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	WHR / ACR	REMARKS
1	VIIa												

WOODLAND SUITABILITY									
SOIL	POTENTIAL PRODUCTIVITY	WOOD SUIT.	EROSION	EQUIPMENT	SEEDLING	WINDTHROW	PLANT	NATIVE SPECIES	
	SPECIES	SITE INDEX	GROUP I	HAZARD	LIMIT.	MORTALITY	HAZARD	COMPET.	
	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	GRAIN & SEED	GRASS & LEGUME	WILD REPR.	HARDWOOD TREES	CONIFER PLANTS	SHRUBS	WETLAND PLANTS	SHALLOW WATER	OPENLAND WILDLIFE	WOODLAND WILDLIFE	WETLAND WILDLIFE	RANGELAND WILDLIFE	
1	Very poor	Very poor	Fair	--	Very poor	Fair	Very poor	Very poor	---	---	Very poor	Fair	

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

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 9:41 o'clock A M, and duly recorded in Vol M85, of Deeds on page 10961.

Fee: \$None

EVELYN BIEHN, COUNTY CLERK  
by: Bernetha A. Letch, Deputy