

GOAL 5: OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES.

General Discussion

To preserve open space and protect natural and scenic resources in Klamath County.

Programs may be provided that will:

1. Ensure open space.
2. Protect scenic and historic areas and natural resources for future generations.
3. Promote healthy and visually attractive environments in harmony with the natural character of the landscape.

The location of the following resources shall be inventoried:

1. Open space lands.
2. Mineral and aggregate resources.
3. Energy sources.
4. Fish and wildlife areas and habitat.
5. Outstanding scenic views and sites.
6. Water areas, wetlands, watersheds and groundwater resources.
7. Wilderness areas.
8. Historic areas, sites, structures and objects.
9. Potential and approved Oregon recreation trails.
10. Potential wild and scenic waterways and state scenic waterways.

Where no conflicting uses for such resources have been identified, such resources shall be managed so as to preserve their original character. Where conflicting uses have been identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.

If intensive farm or forestry operations are identified as conflicting uses, planning steps shall be taken in the conflict resolution to minimize any negative economic impacts to the farm or forestry operation while maintaining adequate resource protection.

Objectives

Inventory the location of all natural and scenic resources within the County.

Develop effective conservation measures or programs to protect and enhance the County's natural and scenic resources.

Inventory the location of fish and wildlife habitats within the County and encourage effective conservation measures or programs to protect and maintain these habitats and coordinate agency plans with the Comprehensive Plan.

Inventory the location of significant structures, sites, and trails within the County.

Promote preservation measures and programs to enhance significant structures, sites and trails within the County.

Identify the location of known mineral resources within the County.

Encourage commercial and industrial development of these mineral resources in accordance with an acceptable plan covering methods of operations.

Recognize that agriculture, grazing, forestry, parks and recreation uses shall be considered consistent with natural, scenic and open space values dependent on resource carrying capacity.

Definitions:

- Cultural area refers to an area characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs and social forms.
- Historic areas are land with sites, structures and objects that have local, regional, statewide or national historical significance.

- Natural area includes land and water that have substantially retained their natural character and land and water that, although altered in character, are important as habitats for plants, animals, or marine life, for the study of their natural, historical, scientific, or paleontological features, or for the appreciation of their natural features.
- Open space consists of lands, if preserved and continued in their present use: (1) conserve and enhance natural or scenic resources; (2) protect air or streams or water supply; (3) promote conservation of soils, wetlands and beaches; (4) conserve landscape areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property.
- Scenic areas are lands that are valued for their aesthetic appearance.
- Wilderness areas are areas where the earth and its community of life are untraveled by man. He is a visitor who does not remain. It is an area of undeveloped land retaining its primeval character and influence, without permanent improvement or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) may also contain ecological, scenic or historical value.
- Inventory - List of county natural resources, scenic and historic areas, and open spaces which have been categorized according to the Goal 5 Administrative Rule and determined to be 1A, insignificant, 1B needs further study, or 1C, significant.

1. POLICY: The County will give due consideration to the protection of significant mineral and aggregate sites on resource-zoned lands to the greatest extent possible, and reduce conflicts with other resource uses and appropriate non-resource uses through the use of clear and objective standards for siting such operations.

Rationale:

- To protect essential mineral and aggregate sites. Minerals and aggregate are finite, nonrenewable resources that may be protected and available for mining.

- To minimize potential conflicts between surrounding land use and mineral and aggregate sites. Conflicts are bound to occur based on past development practices, and may be mitigated to permit development of resources and protect interest of adjacent property owners.

Implementation:

- To County will employ objective site and operational standards in considering the siting of future mineral and aggregate extraction sites.

2. POLICY: Inventories of significant resources shall be reviewed using the OAR 660-16-000 process for identifying the quantity, quality and location of each site. When conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting use shall be determined and the conflicting use shall be allowed, limited or prohibited.

Rationale:

- The properly evaluate resources for significant and resolve conflicting uses.

Implementation:

- The County Planning Department shall review existing and newly submitted sites and develop implementing programs to resolve conflicts in accordance with OAR 660-16-000.
- If intensive farm or forestry operations are identified as conflicting uses, planning steps shall be taken in the conflict resolution to minimize any negative economic impacts to the farm or forestry operation while maintaining adequate resource protection.

3. POLICY: The County will encourage the protection and management of its significant resources in mutual cooperation with the appropriate Federal or State agency.

Rationale:

- To protect and preserve the significant resources of the County for present and future generations.

Implementation:

- The County will cooperate with private landowners and other Federal and Oregon State agencies, and advise applicants of coordination needs.
- If a proposed land use change falls within a significant resource area, the applicant shall be encouraged to contact the appropriate Federal or State agency to attempt to resolve possible conflicts.
- If intensive farm or forestry operations are identified as conflicting uses, planning steps shall be taken in the conflict resolution to minimize any negative economic impacts to the farm or forestry operation while maintaining adequate resource protection.

4. POLICY: The County shall encourage and support Federal and State management programs on public lands that promote Goal 5 resources.

Rationale:

- To ensure proper studies and planning have been made and will continue to be made relative to open space, scenic and historic areas and natural resources.
- To identify and plan for these resources (above) on Federal and State lands.

Implementation:

- The County will review Federal and State planning efforts and make adequate inputs pursuant to Goal 5 resources.
- The County shall request any land use policy and management changes by the State and Federal agencies be reviewed by the County prior to implementation.

5. POLICY: Cultural areas, historic sites, and archaeological resources shall be considered when proposing a change in land use.

Rationale:

- To protect cultural areas, historic sites, and archaeological resources.

Implementation:

- Inventories of cultural areas, historic sites, and archaeological resources shall be periodically updated in accordance with Goal 2 policies on plan revisions and inventory updates.
- The Land Development Code includes procedures for protection of cultural areas, historic sites and archaeological resources.

6. POLICY: The County shall encourage the preservation and restoration of historic sites and structures whenever possible.

Rationale:

- To preserve cultural and historic resources for future generations.
- To conserve County historic area resources.

Implementation:

- The County may contract with a qualified historian to inventory lands with sites, structures and objects that have local, regional, statewide or national historic significance.
- The County shall work with the Oregon State Historic Preservation Office (OSHPO) and with the Klamath County Historical Society to identify properties eligible for nomination to the National Historic Register. The County shall support OSHPO efforts to secure matching grants-in-aid for the preservation, acquisition, and development of registered properties and those properties and sites listed in the OSHPO Statewide Inventory of Historic Sites and Buildings: Klamath County.
- The historic areas inventory shall be updated in accordance with Goal 2 policy, "Plan Revision Schedule--Comprehensive Revisions--Plan Inventories."

7. POLICY: The County shall support the inventories of historic sites as approved by the Historic Landmark Commission, and shall encourage the identification of historic sites with the cooperation of the landowner.

Rationale:

- To identify historic sites.
- To provide appreciation of historic sites for future generations.

Implementation:

- The County shall review the proposals of the Historic Landmark Commission.

8. POLICY: Cultural areas, historic sites and archaeological resources discovered in the future or overlooked during the planning process shall be inventoried (location, quantity and quality) and significance determined.

Rationale:

- To protect and preserve significant cultural areas, historic sites and archaeological resources.

Implementation:

- The County shall determine significant cultural areas, historic sites, and archaeological areas by addressing and applying all applicable steps outlined in OAR 660-16-000.

9. POLICY: The County shall promote through Goal 5 Significant Overlay Zone Ordinances the prudent management of significant fish and wildlife habitats in mutual cooperation with appropriate State and Federal agencies.

Rationale:

- To protect and preserve the wildlife resources of the County for present and future generations.

Implementation:

- The County will cooperate with private landowners and other Oregon State agencies, and advise applicants of coordination needs.

- If a proposed land use change falls within a significant fish or wildlife area, the applicant shall be encouraged to contact the Oregon Department of Fish and Wildlife to attempt to resolve possible conflicts.

10.POLICY: The County shall protect bald eagle nest sites.

Rationale:

- To protect the bald eagle and its habitat for present and future generations.

Implementation:

- Bald eagle nest sites, primary zones, and a secondary buffer zone shall be placed in a Significant Resource Overlay.
- The nest site and primary and secondary buffer zones shall be managed as closely as possible to the advisory guidelines of the Bald Eagle Management Guidelines.
- All conflicting uses within the primary and secondary buffer zones shall be conditional uses subject to the review procedures of Article 44 unless the Planning Director or his designee ministerially finds after a consultation with the Oregon Department of Fish and Wildlife that such a procedure is unnecessary as a mitigation measure for the protection of the resource.

11.POLICY: The County shall require that the private property owner take no action that would damage existing Bald Eagle nest sites.

Rationale:

- To protect the Bald Eagle and its habitat.

Implementation:

- If a Bald Eagle nest site is located on private property the owner shall be encouraged to contact the Oregon Fish and Wildlife Department.

12.POLICY: The County shall protect significant big game winter ranges and other significant wildlife habitat.

Rationale:

- To maintain wildlife habitat and wildlife for future generations.
- To maintain the valuable economic resource provided by hunting.

Implementation:

- The Significant Resource Overlay shall be applied to big game winter ranges, the antelope range north of Bly, and the significant wetland areas.
- Densities within big game winter ranges shall be limited.
- Siting criteria aimed at reducing the impact of development in winter ranges shall be considered when development is proposed in significant big game winter ranges.
- The riparian setback serves to protect habitat areas of the ruffled grouse, other game birds, and non-game wildlife.
- Other wildlife habitat is protected by the riparian setback-around wetland areas and the Significant Resource Overlay applied to significant wetland areas.
- The Significant Resource Overlay shall be applied to 1C significant nest sites as indicated on the Goal 5 Significant Resource Map according to specifications stated in the Nest Site ESEE Paper.

13.POLICY: Projects under County jurisdiction shall be designed to mitigate conflicts with open spaces (including public lands, parks, cultural resources, and trails) under federal, state, city or special district ownership.

Rationale:

- To reduce or avoid impacts on open space resources.

Implementation:

- The County shall refer public and private development proposals to affected agencies for review and comment.

14.POLICY: The County shall encourage the identification and preservation of unique open space areas for the enjoyment of present and future generations.

Rationale:

- To preserve areas of natural beauty, unique wildlife habitats, native ecosystems, and pristine environments, from development.
- To maintain certain wild lands in their original character which is a major attraction to visitors and important to the tourist industry of the area.

Implementation:

- Areas in Klamath County preserved by the Federal or State government will be designated as an open space and conservation zone.
- The permitted uses in the OS and C zones are the same as those permitted by the Federal and State governments in those areas to which the zone is applied. OS and C zone is limited to Federal, State, and nonprofit organizations, for example, Nature Conservancy.

15.POLICY: The County will plan for and encourage public recreation and open space lands in urban expansion areas (re: during reevaluation of the urban growth boundaries).

Rationale:

- To preserve open space areas.
- To enhance the value to the public of abutting or neighborhood parks (furthers Goal #8).
- To promote orderly urban development (furthers Goal 14).
- To enhance tourism and make the County an attractive place to live.
- To conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property (furthers Goal 6).
- To conserve and enhance natural and scenic resources.

Implementation:

- The County will study the feasibility of alternative financing techniques for the purchase of those lands designated by the land use plan as parks, recreation sites, or unbuildable land, but at no time shall private land be taken or devalued without full compensation.

16.POLICY: The County shall protect riparian areas.

Rationale:

- To protect water quality.
- To preserve fish and wildlife habitat and species.
- To protect property rights of those individuals living in committed areas.
- To reduce soil erosion adjacent to and into streams.

Implementation:

- Riparian areas along all Class II streams and rivers shall be subject to a 50-foot setback, and areas along Class I streams and rivers, around significant wetland areas and surface water areas within the county shall be subject to a 100-foot setback" for all development, and a 100-foot setback for septic tank drain fields unless the County ministerially finds after consultation with the Oregon Department of Fish and Wildlife or DEQ respectively that such a setback is unnecessary as a mitigation measure for the protection of the resource.
- Significant Resource Overlay shall be applied to all significant surface water and wetland areas. All conflicting uses within the riparian setback area shall be conditional uses subject to the review procedure of Article 44 unless the Planning Director or his designee ministerially finds after consultation with the Oregon Department of Fish and Wildlife that such a procedure is unnecessary as a mitigation measure for the protection of the water resource and the proposed use will not negatively impact the resource or unless Oregon Department of Fish and Wildlife and the applicant can agree on an acceptable management plan.
- Residential lots of record on approved subdivisions granted an exception at the effective date of this Code shall be exempt from this setback requirement if they have a lot depth which precludes compliance with these standards.

- Riparian area conflicting uses:
 1. Developments that require occupation of water surface areas.
 2. Channelization.
 3. Removal of shoreline vegetation.
 4. Alternation of natural streambanks.
 5. Filling into or removal from natural waterways.
 6. Introduction of pollutants (point or non-point).
 7. Residential, commercial, or industrial uses.

17.POLICY: Development shall be discouraged on or within an area affected or potentially affected by existing or potential mineral extraction sites.

Rationale:

- To preserve mineral extraction sites for future use without hindrance from nearby conflicting land uses.

Implementation:

- Subject lands are designated for interim and second use utilization.

18.POLICY: Uses shall be avoided that would supplant or conflict with the development and use of aggregate extraction sites.

Rationale:

- To preserve existing and potential aggregate extraction sites to ensure an adequate, economical supply of building materials.

Implementation:

- The land use plan designates subject areas for interim, transitional, and second-use utilization for aggregate extraction.

19.POLICY: The County shall encourage the protection and conservation of gravel cinder and clay removal sites throughout the County,

Rationale:

- To prevent conflicting uses in areas with existing mineral and aggregate extraction facilities.
- To ensure the availability of aggregates for future construction needs (furthers Goals 9 and 10).

Implementation:

- At the time of the biennial review of the Comprehensive Plan, the long-term supply, locational requirements, and available supplies shall be evaluated, and suitable sites for preservation shall be designated.
- The County shall cooperate with State Highway Department and the County Road Department (both of which represent major gravel and sand pit facility operations) to plan for the management of non-renewable aggregate resources.

20.POLICY: If development is proposed in the vicinity (area of possible impact) of a 1B mineral extraction site, the County shall make a determination of its significance prior to the approval of the proposed development unless findings are ministerially made that development will have no negative impact on the mineral site and that the mineral site, if active, will have no detrimental impact on the development.

Rationale:

- To protect significant mineral resources.
- To alert the developers to the possibility of a quarry operation in the vicinity of his proposed development.
- To avoid potential conflicts.

Implementation:

- The Planning Director or his designee may meet with the developer and owner of the mineral resource land and shall determine if the development and mineral resource site will affect each other.

- Prior to the review date of the development proposal, the County shall determine if the 1B site is significant.
- If the site is determined to be significant, the significant Resource Area Overlay shall be applied to the site.
- Development proposals may be subject to setbacks in excess of those required by the zone in order to protect the development from negative impacts of quarry operation and in order to assure that significant mineral sites will be protected.

21.POLICY: Nonstructural flood protection methods may be used whenever practical for conservation of flood plains. Flood control measures shall, whenever practical, utilize natural floodways, maintaining riparian habitats and historic flow volumes. When nonstructural flood protection methods are not practical because of the value of previous urban development, concrete-lined channels will be used only if all other structural methods are impractical.

Rationale:

- To protect identified fish and wildlife habitats.
- To protect identified areas of riparian growth.
- To allow for natural recharge of groundwater.

Implementation:

- The County shall work with the State and Federal Agencies, and irrigation and drainage districts in planning nonstructural/structural options for flood-plain conservation.

22.POLICY: The County shall encourage the management of groundwater resources.

Rationale:

- To protect and maintain groundwater quality (furthers Goal 6)
- To prevent conflicting uses for groundwater resources.

Implementation:

- The County shall work with State and Federal Agencies to develop appropriate programs to manage groundwater resources.

23.POLICY: Intensive development shall be discouraged in areas where it is determined that there is an inadequate quantity or poor quality of water.

Rationale:

- To protect the health, safety and welfare.
- To protect groundwater resources.

Implementation;

- Subdivisions or other intensive development shall not be approved if the quality of water in the area does not meet minimum standards established by the Oregon State Health Division for bacterial and chemical content.
- Subdivision or intensive development shall not be approved unless the hydrology report confirms that there is an adequate quantity of water available to the proposed development.

24.POLICY: Potential trails will be evaluated when mapped and submitted by recognized agencies against OAR 660-16-000 criteria.

Rationale:

- To designate needed trails as recreation assets.

Implementation:

- The County shall review and study trail proposals upon receipt thereof.

25.POLICY: At the time that rivers are studied for official designation as state scenic waterways or federal wild and free flowing rivers, the County and other State and Federal agencies shall cooperate in the study of rivers for inclusion in State or Federal designations and in the application of Goal 5 rule.

Rationale:

- To prevent irresponsible potential designations.
- To insure that studies are accurate.
- To insure that County policies are followed.

Implementation:

- The County will work with appropriate State and Federal study groups to evaluate all potential designations.

26.POLICY: The County shall not support any potential river designations until intensive studies are made and areas adequately defined.

Rationale:

- To prevent irresponsible potential designations.
- To prevent premature conflicting designations.

Implementation:

- The County will work with appropriate State and Federal study groups to evaluate all potential designations.

27.POLICY: The County shall encourage the protection of recognized scenic views and sites.

Rationale:

- To encourage tourism within the County.
- To protect scenic resources and vistas.

Implementation:

- The County shall encourage the designation of scenic views for the travelling public's information.
- The County shall recognize that intensive farm or forestry activities are an integral part of the community and shall not restrict these activities pertaining to scenic view enhancement.

28.POLICY: The County shall encourage efficient energy design in and of proposed subdivisions.

Rationale:

- To provide energy efficient homes for area residents.
- To reduce the cost and use of exhaustible energy sources.

Implementation:

- The County shall update the Community Design Handbook to demonstrate proper street and lot orientation, the most energy efficient building design, and the best types and placement of vegetation for the most efficient use of solar energy.

29.POLICY: The County shall protect solar access during solar heating hours.

Rationale:

- To encourage and protect alternative energy sources.
- To conserve finite fossil fuel resources.

Implementation:

- An inventory of active and passive solar structures would be developed from data available at the Building Department. This inventory would be recorded on the County zoning maps.

- If an existing solar structure's collector surface would be substantially shaded by a proposed structure meeting the height and setback requirements of this Code, the County shall work with the parties involved to develop an acceptable site plan which does not substantially obstruct the existing structures' collector surface.

30. POLICY: The County shall coordinate with the Oregon Department of Energy to review information regarding small hydro and wind systems.

Rationale:

- To reduce dependence on nonrenewable energy resources.
- To reduce potential conflicts of small energy systems.
- To insure that small energy systems will be safely and appropriately built, placed and operated.

Implementation:

- The County shall review Oregon Department of Energy information on small hydro and wind systems and shall incorporate standards for these into the Land Development Code if the County determines that such standards are relevant, beneficial, and necessary for the County.

31. POLICY: The Oregon Forest Practices Act, Rules, and supplemental agreements between the Board of Forestry and Oregon Fish and Wildlife Commission shall be administered so as to implement Klamath County's 3A (protect the resource) site decisions and the 3C (limit conflicting uses) decision for the secondary buffer zone for the Bear Valley Bald Eagle Refuge as indicated on adopted Goal 5 inventories and on the 1C Significant Goal 5 Resources Maps. For bald eagle nest and roost sites, such administration shall be coordinated with the U.S. Fish and Wildlife services and shall be consistent with the Bald Eagle Management Guidelines adopted as part of the Atlas.

Rationale:

- To comply with State law.
- To minimize negative economic impacts to forestry operations while maintaining adequate resource protection.

Implementation:

- Forestry operations, while recognized as a conflicting use with significant Goal 5 resources, will not be subject to conditional use review under this ordinance. Instead, the Oregon Forest Practices Act, Rules, and supplemental agreements between the State Board of Forestry and Oregon Fish and Wildlife Commission shall be administered in order to implement 3A (protect the resource) and 3C (limit conflicting uses) decisions made by Klamath County in its adopted Plan and consistent with that Plan and the criteria in Article 83 of this ordinance.

32.POLICY: The Significant Resource Overlay Zone will not be applied to significant geothermal areas within the Klamath Falls Urban Growth Boundary.

Rationale:

- To provide lands for industrial use which may not utilize industrial geothermal processes.
- To provide lands within the Urban Growth Boundary for all industrial uses allowed by industrial zones.

Implementation:

- The Significant Resource Overlay zone will not be applied within the Urban Growth Boundary.
- The individual may apply for the Geothermal Plan and Zone.