



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: July 06, 2015
Jurisdiction: Klamath County
Local file no.: CLUP/ZC 2-15
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/30/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 002-15 {23810}
Received: 7/2/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0010). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: Klamath County

Local file no.: **CLUP/ZC 2-15**

Date of adoption: 06/30/2015

Date sent: 7/2/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes; Date (use the date of last revision if a revised Form 1 was submitted): 05/19/2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Mark Gallagher, Planning Director

Phone: 541-851-3668

E-mail: mgallagher@co.klamath.or.us

Street address: 305 Main St.

City: Klamath Falls

Zip: 97601-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

The Plan and Implementing Zones and Designations table was amended to add the Train Park plan designation and the implementing Train Park Zone. A new policy was added under each of Goal 5, Goal 8 and Goal 9.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Forstry	to Train Park	39.29 acres.	<u>A goal exception was required for this change.</u> Yes.
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T35S, R07E, Sec 4, TL 1700, 1800 & Sec 9A, Tls 1600 - 1900

The subject property is entirely within an urban growth boundary — **No**

The subject property is partially within an urban growth boundary -- **No**

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Added Article 56.4 Train Park Zone

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Forestry/Range	to Train Park Zone	Acres: 39.29
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon Dept. of Fish and Wildlife, Chiloquin - Agency Lake Rural Fire Protection District & Oregon Dept. of Transportation.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF AMENDING)
THE COMPREHENSIVE PLAN)
TEXT, GENERAL LAND USE)
PLAN MAP, LAND)
DEVELOPMENT CODE TEXT)
AND ZONING MAP TO MAKE)
CHANGES 1-3 AS FOLLOWS:)

ORDINANCE 44.103

- 1. AMEND THE COMPREHENSIVE PLAN TO CREATE A NEW TRAIN PARK LAND USE DESIGNATION.
- 2. AMEND THE LAND DEVELOPMENT CODE BY ADDING A NEW TRAIN PARK ZONE.
- 3. ADOPT AN EXCEPTION TO GOAL 4 (FORESTRY) TO CHANGE THE PLAN MAP DESIGNATION ON 39.29 ACRES FROM FORESTRY TO TRAIN PARK FOR THE TRAIN PARK SUPPORT AREA AND RE-ZONE THE PROPERTY FROM FORESTRY TO TRAIN PARK ZONE;

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan, General Land Use Plan Map, and Land Development Code text; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in KC Land Development Code Article 31; and

WHEREAS, a public hearing was held on June 23, 2015, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS the Klamath County Planning Commission recommended approval of the request, and

WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Board of Commissioners voted unanimously to approve the request; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive text and General Land Use Plan Map and Land Development Code text and zone change request, as included in Applicant's Application - Exhibit "1," and incorporated herein by reference are hereby accepted, and stating that this action supersedes the prior approval of CLUP/ZC 1-14.

1. **The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.**

DATED this 30th day of June, 2015.

FOR THE BOARD OF COMMISSIONERS

Tom Mallam

Chairman

James Bellet

Commissioner

[Signature]

Commissioner

[Signature] 6/30/2015

County Counsel

Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21-days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

R-3507-00400-00300-000

R-3507-00400-01500-000

4

S-CHILOQUIN-RD

R-3507-00400-01600-000

R-3507-00400-01800-000

R-3507-00400-02000-000

R-3507-00400-00800-000

Existing Plan Design. - Forestry
Proposed " " - Train Park

Existing Zone - Forestry
Prop. Zone - Train Park
35-07

Subject
Site

R-3507-009A0-01800-000

HIGHWAY 97-N

R-3507-009A0-01700-000

9

R-3507-00900-00100-000

R-3507-009A0-01500-000

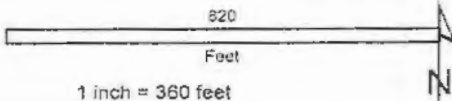
R-3507-009A0-01600-000

R-3507-00900-00300-000

R-3507-00900-00200-000

EXHIBIT A
FILE # CLW/ZC 2-15

Klamath County



Date Printed: 5-19-15

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.

BEFORE THE KLAMATH COUNTY BOARD OF COMMISSIONERS

IN THE MATTER OF FILE NUMBER CLUP/ZC 2-15

FINAL ORDER

WHEREAS, Train Mountain Institute, applicant, requested approval of an amendment for the following actions:

1. Amend the Comprehensive Plan to create a new Train Park land use designation.
2. Amend the Land Development Code by adding a new Train Park Zone.
3. Adopt an Exception to Goal 4 (Forestry) to change the Plan Map designation on 39.29 acres from Forestry to Train Park for the Train Park Support Area and re-zone the property from Forestry to Train Park Zone.

WHEREAS, the subject properties are currently described as the following Map/tax lot numbers:

R-3507-00400-01700 & 01800
R-3507-009A0-01600, 01700, 01800 & 01900; and

WHEREAS, the applicant submitted said request for the Comprehensive Plan amendment and associated Land Development Code text amendment and zone change in due form for consideration; and

WHEREAS, the Klamath County Planning Department provided proper notice of a public hearing held on June 23, 2015; and

WHEREAS, based on testimony entered and consideration of the whole record, and making the proposed findings of fact in the application submittal and Staff Report their own, the Planning Commission voted to forward a favorable recommendation to the Board of County Commissioners; and

The Klamath County Board of Commissioners agreed with the Planning Commission recommendation and concluded the application was in conformance with State Law, Klamath County Land Development Code and Comprehensive Plan, and acting within their authority unanimously APPROVED the requests of Planning File CLUP/ZC 2-15 and stating that this action supersedes the prior approval of CLUP/ZC 1-14.

**NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS
ORDER AS FOLLOWS:**

The Klamath County Planning Director shall prepare for adoption by the Board of County Commissioners an ordinance amending the Klamath County Comprehensive Plan text and Land Development Code text and General Land Use Plan Map and Zoning Map to reflect the proposed revision to the plan designation and zoning as shown on attached Exhibit A.

Dated this 30th day of June, 2015

FOR THE BOARD OF COMMISSIONERS

Tom McClam
Chairman

Kelly M. [Signature]
Commissioner

James Bellet
Commissioner

[Signature] 6/30/2015
County Counsel
Approved as to form

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21 days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or mail at 550 Capitol Street NE, Suite 235, Salem, Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.

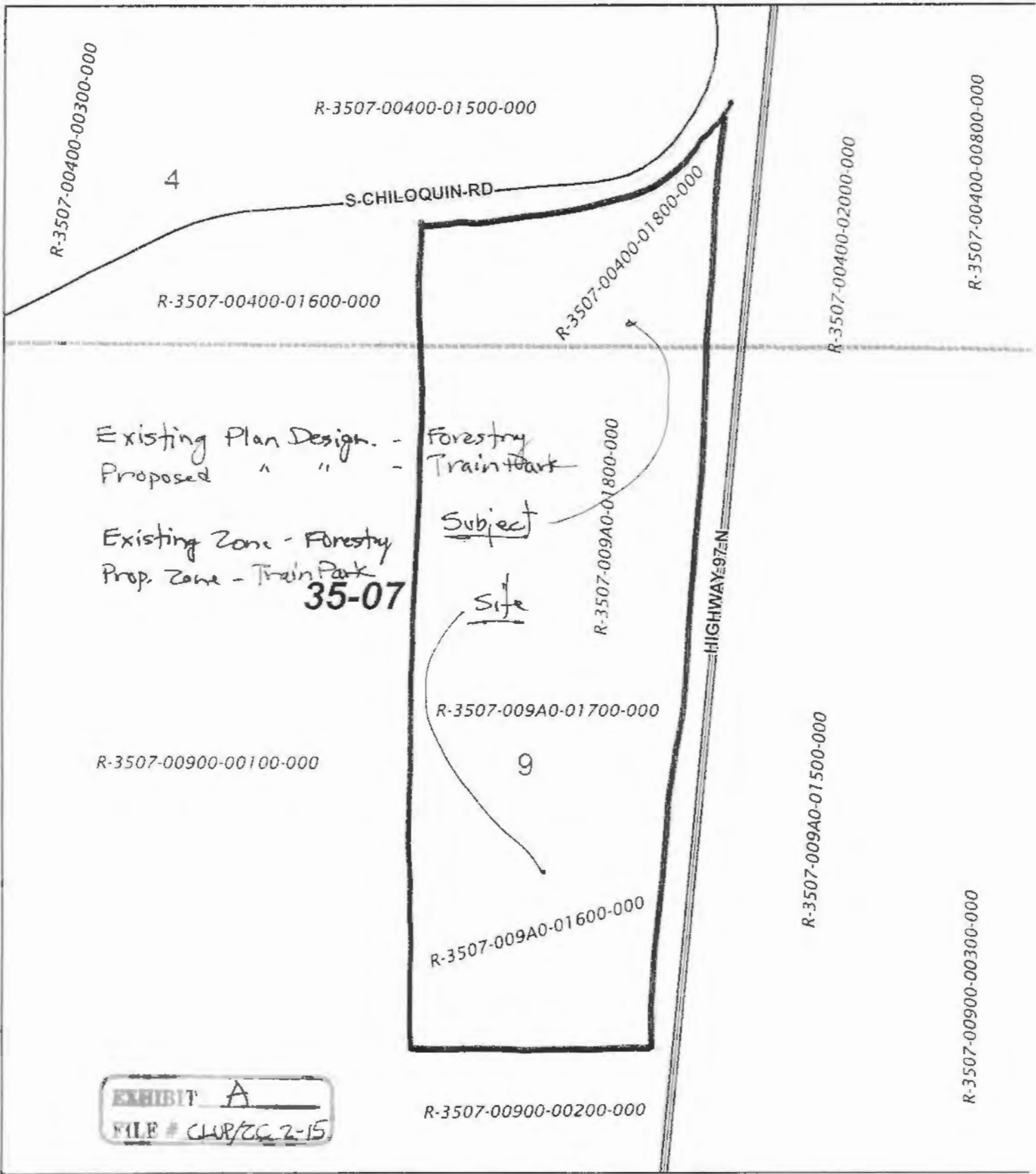
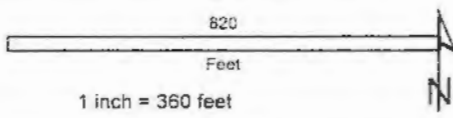


EXHIBIT A
 FILE # CLW/CC 2-15

Klamath County



Date Printed: 5-19-15

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Klamath County Planning Department

Klamath County Government Center
305 Main Street, Klamath Falls, Oregon 97601

Hearing Date: June 23, 2015
Application File No: CLUP/ZC 2-15
Staff Contact: Mark Gallagher

STAFF REPORT

Applicants/Owners: Train Mountain Institute

Application: Request to do the following actions:

1. Amend the Comprehensive Plan to create a new Train Park land use designation.
2. Amend the Land Development Code by adding a new Train Park Zone.
3. Adopt an Exception to Goal 4 (Forestry) to change the Plan Map designation on approximately 39.29 acres from Forestry to Train Park for the Train Park Support Area.
4. Rezone the approximately 39.29 acre Train Park Support Area from Forestry to the new Train Park Zone.

Site Location: Map/tax lot numbers:
R-3507-00400-01700 & 01800
R-3507-009A0-01600, 01700, 01800 & 01900

Plan Designations: Existing: Forestry
Proposed: Train Park

Zone: Existing: Forestry
Proposed: Train Park

Acreage: Approximately 39.29 acres

BACKGROUND

The Train Mountain 7.5" gauge railroad has been at its current location in Klamath County for approximately 30 years. As explained in the applicant's presentation, numerous County land use approvals have been granted over time as the facilities have expanded. The majority of the Train Mountain property is located within the Forestry Zone and has been "developed" under the "Private Parks and Campgrounds" provisions of that zone as a conditional use. The total property encompasses over 2000 acres and includes over 35 miles of track. The facility has gain worldwide recognition from scale model train enthusiasts and has become a significant

asset to Klamath County as a tourist destination. The site has also become a multi-user facility for a number of other organizations as described in the application materials.

With the passing of Quentin Breen, who was the original founder of Train Mountain, the users of the facility have re-organized and were recently successful in removing a long-standing IRS debt and are now a 501c3 entity officially entitled Train Mountain Institute. The organization is seeking the proposed amendments to acknowledge the predominance of the Train Park Support Area which for all practical purposes is no longer a significant Forestry use and to make it clearer exactly what is allowed in the Train Park Zone.

The model railroad facility consists of mostly open space with the low impact 7.5" gauge track. The organization has been environmentally friendly by maintaining the existing forest canopy over much of the area and has previously developed a wildlife plan for the Roosevelt Elk Winter Range area that has been reviewed and accepted by the Oregon Dept. of Fish and Wildlife. A significant amount of the acreage is under a conservation easement.

PRIOR PLAN AND CODE AMENDMENT PROPOSAL

The applicant previously obtained an approval from Klamath County for this same amendment proposal for the Train Park Support Area that also included a 129 acre residential component for volunteer housing. The approval was appealed to the State Land Use Board of Appeals by the Oregon Department of Land Conservation and Development (DLCD) because of the housing component which would have required an exception to re-designate the 129 acres as Rural Residential from the existing Forestry designation. After several negotiating sessions, Train Maintain and DLCD were not able to reach an agreement over the residential component so Train Mountain ended up withdrawing their entire proposal and have now submitted this smaller portion of the prior proposal which DLCD did not have any concern about.

PROCESS

The applicant has clearly stated the steps necessary for them to move forward with their plans, which includes the following:

1. Adding policy statements in Goal 4: Forestry, Goal 5: Open Space, Scenic and Historic Areas, and Natural Resources, Goal 8: Recreation Needs, and Goal 9: Economy.
2. Creating a new Train Park Plan Map Designation and corresponding Train Park Zone.
3. Obtain an "exception" to the Statewide Planning Goals to allow the zone change from Forestry to the proposed Train Park Zone over the existing Train Park Support Area.

APPLICABLE CRITERIA

Articles 47 – Change of Zone Designation and Article 48 – Change of Comprehensive Plan Designation of the Klamath County Land Development Code.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The applicant has addressed all of the applicable criteria from the Land Development Code and Oregon Administrative Rules in the Burden of Proof Statements contained in the binder (application) that was submitted.

Land Development Code Article 48.030 Review Criteria

- A. A request for a change of Comprehensive Plan designation may only be approved if it meets all applicable review criteria;**
- B. A request for a change of Comprehensive Plan designation shall be reviewed against the following criteria:**
 - 1. The proposed change is supported by specific studies or other factual information, which documents the public need for the change;**

Applicant's Response

Factual information is contained in Applicant's Binder Tab J.

Finding

It is found that there is a public need for the proposed amendments because Train Mountain is a significant asset to Klamath County economically and as a recreational area. The proposed amendment is found to meet this criterion.

- 2. The proposed change complies with policies of the Comprehensive Plan;**

Applicant's Response

Contained in Applicant's Binder Tab K.

Finding

The applicant has addressed the policies of the County Comprehensive Plan that are applicable which, at the same time, address the broader Statewide Planning Goals. The application is found to be consistent with the applicable goals and policies of the County Comprehensive Plan and the Statewide Planning Goals.

- 3. The proposed change complies with the Oregon Statewide Planning Goals and Administrative Rules.**

Statewide Planning Goals

Applicant's Response

Contained in Applicant's Binder Tabs K.

Finding

It is found that the proposed amendments are consistent with the Statewide Planning Goals as addressed in Binder Tab K.

Oregon Administrative Rules

The applicant has addressed the Transportation Planning Rule in Applicant's Binder Tab L by addressing the requirements of the Land Development Code Article 71.200, which states that a Traffic Impact Study would be required, if the proposal generates more than 50 peak hour trips.

Finding

It is found that the proposed amendments will not generate more than 50 peak hour trips and are, therefore, consistent with the Transportation Planning Rule (OAR 660-012) and the County's Transportation System Plan.

Train Mountain Support Area – Land Physically Developed to Other Uses and Irrevocably Committed Exception

OAR 660-004-0025 Exception Requirements for Land Physically Developed to Other Uses; and

OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses

Applicant's Response

Contained in Applicant's Binder Tab M.

Finding

It is found that a "Physically Developed" exception and an "Irrevocably Committed" exception are justified for the 39.29 acres of Forestry Zoned property where the support area for Train Mountain currently exists as the entire area is already developed with support facilities and the adjacent areas also preclude carrying out forest activities within the existing support area.

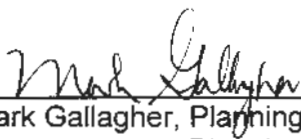
CONCLUSION

The proposed Comprehensive Plan amendments, Land Development Code amendments, and Exceptions to the Statewide Planning Goals to support this application are found to meet the required criteria of Klamath County, the Statewide Planning Goals, and applicable Administrative Rules. The application can, therefore, be approved.

RECOMMENDED ACTION

Staff recommends that the Planning Commission adopt Staff's proposed Findings that demonstrate compliance with State of Oregon and Klamath County requirements, and forward a recommendation of approval to the Klamath County Board of Commissioners for the following amendments as proposed:

1. Amend the Comprehensive Plan to add new policy statements and create a Train Park land use designation.
2. Amend the Land Development Code to add the proposed Train Park Zone.
3. Adopt an Exception to Goal 4 (Forestry) to change the Plan Map designation on 39.29 acres from Forestry to Train Park for the Train Park Support Area.
4. Grant a zone change from Forestry to Train Park Zone on the 39.29 acre Train Park Support Area.



Mark Gallagher, Planning Director
Klamath County Planning Department

Exhibits:

Application for CLUP and Land Dev. Code Amendments (Binder)
Exception Area Map

Exhibit 1
Exhibit 2

R-3507-00400-00300-000

R-3507-00400-01500-000

4

S-CHILOQUIN-RD

R-3507-00400-01600-000

R-3507-00400-01800-000

R-3507-00400-02000-000

R-3507-00400-00800-000

Existing Plan Design - Forestry
Proposed " " - Train Park

Existing Zone - Forestry
Prop. Zone - Train Park
35-07

Subject

Site

R-3507-009A0-01800-000

R-3507-009A0-01700-000

9

R-3507-00900-00100-000

HIGHWAY 97 N

R-3507-009A0-01600-000

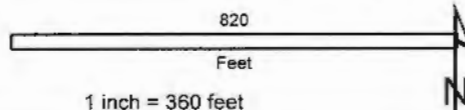
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R-3507-00900-00200-000

EXHIBIT 2
FILE # CLVP/202-15

Klamath County



Date Printed: 5-19-15

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.

C. Statement of Proposal - Klamath County Comprehensive Plan Amendment

We propose amending the Klamath County Comprehensive Plan by adding the underlined language.

GOAL 4: FOREST LANDS

2. POLICY: Forest lands as identified in Policy 1 above shall be designated Forestry and Forest/Range and shall be subject to the regulations of these zones.

A. Forestry:

Lands included in this zone are primarily those commercial forest lands owned by the Federal Government and timber companies, generally in very large holdings. Also, in this zone are smaller ownerships which meet the criteria described in Policy 1 (4) above. Included within this definition is the 655.62-acre parcel of land known as Collier State Park as governed by the 1991 Collier State Park Master Plan.

B. Forest/Range:

Lands included in this zone are primarily those with a vegetation cover of juniper-sagebrush-bitterbrush located in southern Klamath County. Such lands have no forest productivity rating or are predominantly rated as Class VII forest lands and are valued primarily as wildlife habitat.

Included within this definition are lands with the following characteristics:

1. Lands identified as significant "Critical Deer Winter Range;" and,
2. Areas of mixed Bureau of Land Management and private ownership which are predominantly SCS Soil Class VII consistent with findings contained in the Forest/Range discussion of the Resource packet.

Rationale:

To preserve forest land for forest uses.

To recognize differences in both forest operations and management.

To maintain and promote the quantity and quality of the County's forest resources.

To promote an increase in timber supply and consequently an increase in manufacturing and employment through intensification of management of both publicly and privately owned forest lands.

To recognize the improvements described in the 1991 Collier State Park Master Plan as permitted nonforest uses within Collier State Park within the Forest zone.

To recognize the improvements described in the Train Mountain Master Conditional Use Permit as permitted nonforest uses within the Forest zone.

Implementation:

Forest land in Klamath County shall be identified and zoned consistent with the methods and findings contained in the County's "Planning Process for Designating Resource Lands".

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

33. POLICY: The County shall encourage Train Parks that preserve the history of railroads and provide miniature railroad track recreation trails to access scenic open space areas with minimal impact.

Rationale:

To preserve open space areas.

To support wildlife.

To afford citizen access to outstanding scenic views and sites.

To enhance tourism and make the County an attractive place to live.

Implementation:

The County shall cooperate with government agencies special districts, and citizens to develop and protect miniature railroad track recreation trails and Train Parks.

The County shall continue to cooperate with other agencies with regard to the Train Mountain Project.

GOAL 8: RECREATION NEED

12. POLICY : The Country shall encourage the development and protection of Miniature Railroad track recreation trails.

Rationale:

To provide recreation opportunities.

To afford citizen access to outstanding scenic views and sites.
(furthers Goal 5)

Implementation:

The County shall cooperate with government agencies special districts, and citizens to develop and protect miniature railroad track recreation trails and Train Parks.

The County shall continue to cooperate with other agencies with regard to the Train Mountain Project.

Goal 9 : COUNTY ECONOMY

16. POLICY: The County shall encourage efforts to develop a Train Park including a multi-use recreational park.

Rationale:

To create additional jobs.

To increase tourism and provide more convenient outdoor recreation opportunities for local citizens (furthers Goal 8).

Implementation:

The County has designated the Train Mountain area of the county for development of a Train Park.

The County shall work with Train Mountain Institute and other private non-profit groups to support Train Mountain reaching its potential as a world class railroading center.

D. Statement of Proposal -- Train Park Zone

We propose amending the Klamath County Comprehensive Plan by adding a new Train Park Zone.

ARTICLE 56.4 TRAIN PARK ZONE (TP)

56.410 PURPOSE

The purpose of the Train Park Zone is to provide for :

A Miniature Railroad Support Area for activities needed to create and maintain the Miniature Railroad, the Railroad Museum, Railroad Educational Facilities and the multi-use Railroad Park.

56.440 Miniature Railroad Support Area

A Train Park Zone can be established to allow a Miniature Railroad Support Area where :

A. The applicant owns an existing miniature railroad with at least 5 miles of track; and

56.441 - OUTRIGHT USES

Any Outright Uses allowed in a Forestry Zone as defined in 55.020.

56.442 - PERMITTED USES

- A. Railroad/Train Park
- B. Community Park.
- C. Miniature Railroad facilities
- D. Custom/General Miniature Railroad manufacturing, servicing, Warehousing, Storage, Distribution, and repair facilities
- E. Miniature Railroad Track and Switch manufacturing and repair
- F. Train Storage
- G. Museum & Museum Store
- H. Picnic Shelters
- I. Office Space
- J. Community Assembly
- K. Schools
- L. Campgrounds
- M. RV Parks
- N. Restroom, Laundry, and Shower facilities
- O. Accessory Buildings and Uses
- P. Maintenance, Repair, and Storage of Equipment used to support Forestry and Miniature Railroading
- Q. Parking Spaces
- R. Food & Beverage Sales and Service
- S. Full Sized Rail Equipment Restoration and Interpretation

facilities.

- T. Community Water Systems
- U. Community Sewage Systems
- V. Private, Accommodations for visiting miniature railroaders where accommodations are occupied temporarily for the purpose of enjoying or supporting miniature railroad events.
- W. Burn Pits
- X. Caretaker / Worker Residential
- Y. Uses determined by the Planning Director to be similar to those listed in this section to serve the miniature railroading recreational, public, and travel needs of the community and surrounding area

56.443 - CONDITIONAL USES -- The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied :

- A. Emergency Services
- B. Fire stations for rural fire protection

56.444 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 2 acres
- ~~B. Residential Density - 1 dwelling per lot or parcel~~
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71
- J. Building size may not exceed 10,000 sqft

J --- BURDEN OF PROOF STATEMENT -- Public Need for a Change

Introduction

The applicant is required to make a Statement of Proposal and a Statement of Need for a change. The Burden of Proof is on the applicant explain the need and justification for the proposed change.

Section B -- Statement of Proposal -- addresses some of the Need for a Change.

Section E -- Annotated Train Park Zone -- addresses each element of the proposed new Train Park Zone and explains why it is needed for the Train Park Support area.

Section J -- Public Need for a Change -- addresses why several specific segments of the public need the proposed change

Section K -- Compliance with Goals, Statutes, Rules -- addresses why the proposed change is needed to advance each applicable Goal and Policy in the Klamath County Comprehensive Plan.

Section L -- Compliance with the Urban Transportation Plan -- addresses the access and transportation issues.

Section M -- Exceptions Process -- steps through the OAR 660-004 Exceptions regulations and addresses each requirement.

This Section explains :

- Train Mountain needs the Change
- The Miniature Railroad Hobby needs the Change
- The Railroad Industry needs the Change
- The Equestrian Public needs the Change
- The Hiking Public needs the Change
- Klamath County Citizens need the Change
- The Scouts need this Change
- The Public Needs the Change

Train Mountain Needs the Change

The Train Park Support Area

Train Mountain has grown up in a Forestry zone. The majority of its support functions are located in this 39.29 acres. The area is irreversibly committed to being part of the Train Park and serving as the Train Park Support Area.

The Forestry zone was never designed to accommodate this Train Park Support Area uses. While Train Mountain is technically a "private park and campground" as allowed in the Forestry zone and previously approved by the County, the proposed change will clarify exactly what is allowed. This level of clarity is needed to guarantee that Train Mountain can move forward with needed support facilities.

This is a world class facility that is good for Klamath County.

Train Mountain needs Klamath County to recognize that this 39.29 acres is going to continue being developed to support the train park and to make the required uses legitimate by re-zoning it to the proposed Train Park Zone. The first step is the legislative amendments requested in this application to create the Train Park Zone.

The Miniature Railroad Public Needs the Change

There is a big segment of the Public that are 7.5" gauge railroaders. They need this change because they want Train Mountain to survive. Train Mountain is where they all want to bring their trains to run.

Train Mountain is unique in the world. It is the world's largest miniature railroad with over 35 miles of track. Maricopa Live Steamers in Phoenix is the 2nd largest with about 10 miles of track. White Creek Railroad in Michigan is the 3rd largest with about 6 miles of track.

Exhibit Z - Miniature Railroads lists 16 pages of 7.5" or 7.25" gauge railroads around the world. Most have a few hundred feet of track. Our best information is that only Maricopa Live Steamers and White Creek Railroad have more than 3 miles of track.

Train Mountain is the center of this hobby. The Miniature Railroad public needs someplace in the world that they can run their trains on long stretches of track. There is only one Train Mountain and it is in Klamath County.

The Railroad Industry Needs the Change

The Railroad Industry needs this change.

The U.S. freight rail network is widely considered one of the most dynamic freight systems in the world. The \$60 billion industry consists of 140,000 rail miles operated by seven Class I railroads (railroads with operating revenues of \$433.2 million or more), 21 regional railroads, and 510 local railroads. Not only does the 140,000 mile system move more freight than any other freight rail system worldwide but it also provides 221,000 jobs across the country and numerous public benefits including reductions in road congestion, highway fatalities, fuel consumption and greenhouse gasses, logistics costs, and public infrastructure maintenance costs. The industry is growing and its workforce is aging out.

A large part of the railroad workforce will retire in the next decade. New workers need railroad education. Also the Federal Railroad Administration is rolling out requirements that every railroad employee on a train have a certain minimum level of knowledge about railroads.

A new railroad education industry is developing. The hardest thing to give the students is Track Time. Students need to experience the railroad.

Train Mountain is working with Burlington Northern and Union Pacific on 2 educational efforts :

- 1) A multi day program in which perspective employees are tested by giving them railroading tasks to accomplish with Train Mountain equipment on Train Mountain track. The program would test the perspective worker's abilities :
 - Can they follow orders ?
 - Can they accomplish inspections ?
 - Can they re-organize a train into a certain order efficiently ?
 - Can they learn signals ?
 - etc.

The idea is to screen people that the railroad is interested in before they invest heavily in making them an employee and educating them.

- 2) Track Time experiences that compliment the education the railroads are doing in their own education facilities in Ogden, UT and Omaha, NE. Train Mountain can become the learning laboratory for the industry.

When the Federal Railroad Administration requires minimum education, some educational institution... maybe Oregon Institute of Technology... will become the foremost railroad education center. Train Mountain can be the lab where students get Track Time.

These programs parallel what is being done in Europe. European 7-1/4" railroads are used as educational platforms for the school students, the public, and the rail industry. European kids interested in railroads soon find themselves at a local 7-1/4" railroad track. They learn to operate engines, obey signals, maintain equipment, lay track, and operate a railroad. When they get older, they may enroll in formal railroad educational programs. Typically these are partly apprentice programs and partly university courses. As part of the apprentice programs students often build their own 7-1/4" engines. Most students pay for their materials and take their engines home.

Many kids that go through these programs end up in railroad careers. Their engines make them life long members of the 7-1/4" railroad hobby. There are lots of 7-1/4" tracks. These tracks become the place railroaders from different railroads meet and exchange ideas. It is often where railroaders learn how other railroaders are doing things. The tracks become an important part of the railroad culture and serve as an educational platform for present and future railroaders .

Most European 7-1/4" railroads also run rail safety classes for local school kids and the general public. Train Mountain is doing this starting with Operation Lifesaver training.

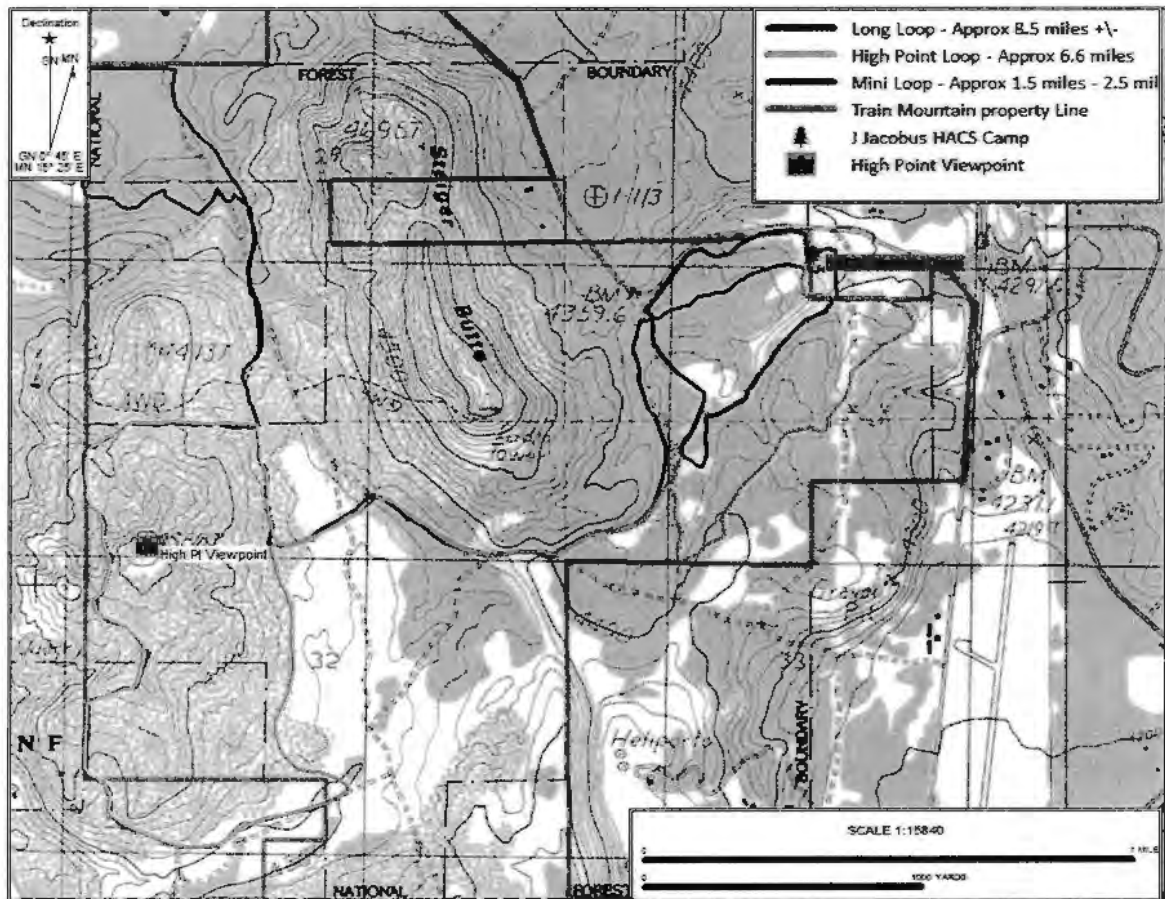
As real railroads modernize, the need increases for this kind of railroad educational platform. The public needs increased safety education as trains get faster and heavier. High Speed Rail presents new safety issues. Railroaders need education because their jobs are changing. Cab computers and automated sensing equipment allow engineers to operate on routes they do not know well. These changes are just beginning and they will demand life long learning for railroaders and for the general public.

Train Mountain Institute is figuring out how to bring this European model of railroad education to North America.

A critical piece is getting the support area re-zoned to allow the activities needed to support the train park.

The Equestrian Public Needs the Change

Train Mountain provides about 18 miles of carriage trails used by the equestrian community.... especially the Southern Oregon Horse And Carriage Club which holds trail rides and carriage events on the property. The Equestrian community needs Train Mountain to succeed in order to keep the trail system open. Here is their main map showing 18 miles of trail:



The Hiking Public Needs the Change

Train Mountain provides at least 20 miles of hiking trails. We actually are not sure where all the trails are and an effort is currently underway to map all the hiking trails. There is a regular Train Mountain walk in the summer. Some groups are running on Train Mountain Trails on nice days.

The Public needs this change to assure these trails remain available.

The Klamath County Public Needs the Change

What the overall Klamath County Public wants has been documented and refined in the Klamath County Comprehensive Plan.

Section K analyzes how the proposed change relates to the Klamath County Comprehensive Plan.

Train Mountain is a popular Klamath County institution that has wide public support. Most residents of Klamath County have ridden the Klamath & Western railroad on a weekend or have been guests of a Train Mountain member.

Train Mountain advances popular causes. Most of the public believe Train Mountain is an innovative program that enhances the County. Most of the public support the development of education and training facilities to enable individuals improve their employment potential.

The public needs this change because it allows Train Mountain to survive.

The Scouts need this Change

In 2014 Train Mountain began hosting larger scouting events. In 2015 Train Mountain is hosting an estimated 1000 scouts at the largest Camporee that the scouts have organized in this part of the country. The Scouts hope to expand these events... holding them annually... and inviting in Scout troops from surrounding states. The Scouts need this change. If Train Mountain is not successful, it kills the scout programs at Train Mountain.



Summary

Everyone needs this Change. The Public needs it. Train Mountain needs it. The 7.5" gauge hobby needs this change. The Railroad industry can benefit from it. The Scouts need the change. The Public, County and State benefit from it.

K --- BURDEN OF PROOF STATEMENT --

Compliance With :

**Klamath County Comprehensive Plan
Oregon Statewide Planning Goals
Oregon State Statutes
Administrative Rules**

This section documents that the proposed change complies with the policies of the Comprehensive Plan, Statewide Planning Goals, State Statutes and Administrative Rules. The Change has 4 parts :

FIRST :

1. Amend the Klamath County Comprehensive Plan to create a new Train Park land use designation.
2. Amend the Land Development Code by adding a new Train Park Zone.
3. Adopt an Exception to Goal 4 (Forestry) to allow a 39.29 acre Train Park Support Area on Forestry resource land.

All 3 of these actions were approved by Klamath County in March of 2014. The approval also included a 130 acre Planned Unit Development for a Track Connected Community which DLCD objected to. That application has been withdrawn and replaced by this application. The 130 acre residential development has been removed from this application... Otherwise everything is the same as the previous application.

and SECOND :

1. Rezone approximately 39.29 acres to the new Train Park Zone as a Train Park Support Area.

Together these 4 changes allow a Train Park Support Area. The proposed Train Park Support Area offer Klamath County identifiable social and economic benefits which exceed those available from the land's present forestry use. The environment, wildlife, and recreation all benefit from solidifying the area's use as the Train Mountain train park.

Here is how the proposed change affects the goals of the Comprehensive Plan:

A. Goal 1 Citizen Involvement:

The application and hearing process will provide the appropriate opportunities for citizen involvement

B. Goal 2 Land Use:

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

The application process will provide the opportunity to coordinate with State and other agencies.

POLICY 7 : To the extent feasible, the boundaries of zoning districts shall follow property lines except where the land use plan clearly requires otherwise. For zoning purposes, the land use plan shall be construed liberally, provided that the written policies of the plan are not thereby violated.

The Train Park Zone will follow property lines.

C. Goal 3 Agricultural Lands:

None of the areas that Train Mountain wants to re-zone to a Train Park Zone are zoned Exclusive Farm Use. All the land is zoned Forestry.

No extensive agricultural operations are located near the project.

Because of the property's large size and the substantial buffer areas involved, the Train Park Support Area will not force a significant change in, or significantly increase the cost of, accepted farm and forestry practices on nearby agricultural or forestry lands.

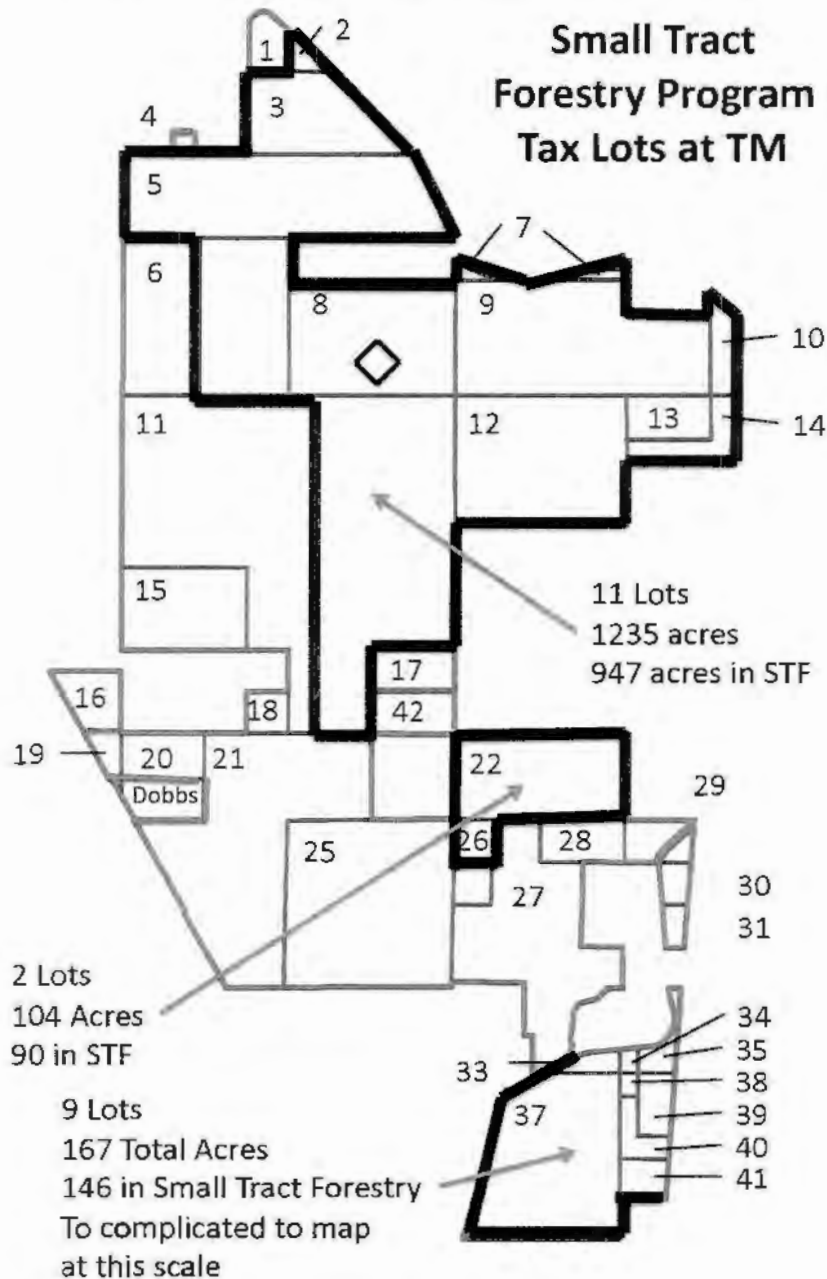
The Train Park Support Area will have no noticeable impact on any other uses in the area.

All of the parcels have recorded a farm and/or forest covenant that recognizes adjacent property farm and forest practices.

D. Goal 4 – Forest Lands:

Helping Train Mountain survive is the best thing the County can do to advance forestry on the property.

The impacts on Forestry in the proposed Train Park Support Area are already there. The proposal does nothing to expand those impacts. The most important forestry areas at Train Mountain are the areas that have enough forestry density to qualify for the Small Tract Forestry Program. The Train Park Support Area is not in those areas.



Train Mountain manages the Forest to protect it. The forest has been thinned the trees to approximately a 20' spacing. These forestry operations have substantially reduced the risk of wildland fire by removing light fuels. The operations also reduced potential beetle kill, thereby enhancing the health of the forest in general.

Policy 1 : The following lands shall be designated forestry and shall be subject to the regulations of the Forestry and Forest/Range zones contained in the Land Development Code:

(3) Land having a predominant timber site productivity rating of I-VI;

The forestry parcels have a predominant timber site productivity rating of I-VI and are subject to the regulations of the Forestry zone contained in the Land Development Code:

Policy 3 : Existing forest uses shall be protected unless proposed land use changes are in conformance with the Klamath County Comprehensive Plan.

The proposed changes amend the Klamath County Comprehensive Plan so that the changes will be in conformance with the Amended Klamath County Comprehensive Plan.

CLUP 19-08 allows development of this private park within 3 miles of the Chiloquin Urban Growth Boundary.

A Destination Resort overlay for the Train Mountain development covers all of the project.

Policy 4 : The county shall regulate development of non forest uses in forested areas.

Implementation: Development shall be limited to forestry or agriculture related activities except for such non-forest development as provided for in the Land Development Code...

The proposed Klamath County Comprehensive Plan Amendments and Train Park Zone would allow such non-forest development using the Exception Process provided for in the Land Development Code.

E. Goal 5 – Open Space, Scenic and Historic Areas, and Natural Resources:

POLICY 1 : The County will give due consideration to the protection of significant mineral and aggregate sites on resource-zoned lands...

There are no significant mineral or aggregate sites in the Train Park Support Area.

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

No cultural areas, historic sites, or archaeological resources have been identified in the Train Park Support Area.

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

The Train Park Support Area help make it possible to develop the Railroad Museum and preserve the Full Sized Railroad Equipment.

POLICY 9 : 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.

The Train Park Support Area are outside the Winter Roosevelt Elk Range Significant Resource Overlay.

The proposed change is one more step toward preserving this Winter Big Game area. This is a good thing for the Elk. Except for the inch high rails, the property is basically undeveloped. This proposal is a great way of protecting the Elk's Winter Range on private land.

Department of Fish and Wildlife has established that the Train Park use will not seriously affect the Elk herd.

The applicants do not allow artificial feeding of the elk or deer.

The ODF&W approved Train Mountain Wildlife Management Plan protects the Elk herd with mitigating measures approved by ODF&W. See Section X.– Wildlife Plan – for details on Elk friendly fencing and ODFW support for the project's plans.

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

There are no bald eagle nest sites in the Train Park Support Area. There is a bald eagle nest site on the adjoining Forest Service property. The Train Mountain Wildlife Management Plan protects that site with mitigating measures approved by ODF&W. See Section X - Wildlife Plan.

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

1991 acres of Train Mountain's 2186 acres is in the Winter Roosevelt Elk Range Significant Resource Overlay.

The Elk use the property in the winter when the track is minimally used.

The proposal is to preserve this Winter Big Game area as a private train park. This is a good thing for the Elk. For 20 years the Elk have used the railroad grade as trails to walk around on. The existing 25 miles railroad grade only covers 1% of the area of Train Mountain. The inch high rails do not bother them. In the winter the rails are often covered in snow. The property is basically undeveloped.

This proposal is a great way of protecting the Elk's Winter Range on private land.

Department of Fish and Wildlife has established that the Train Park use will not seriously affect the Elk herd.

The applicants do not allow artificial feeding of the elk or deer.

The ODF&W approved Train Mountain Wildlife Management Plan protects the Elk herd with mitigating measures approved by ODF&W. See Section X - Wildlife Plan.

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

Train Mountain preserves over 2000 acres of open space.

The Train Mountain open space is frequently enjoyed by railroaders, hikers, dog walkers, horseback riders, horse & carriage drivers, and others.

POLICY 16: The County shall protect riparian areas.

Riparian areas include wetlands. There is a small amount of wetlands shown on the wetland inventory map – see Section U – The Wetlands Plan. Prior to any development in close proximity to the wetland, the plans will have to be reviewed by the Department of State Lands.

There are no wetlands in the Train Park Support Area.

F. Goal 6 – Air, Water and Land Resource Quality:

POLICY 1 : The County shall support efforts to maintain and improve the quality of air resources.

Air quality at Train Mountain is normally good unless there is a regional disturbance; such as, a fire in area wildlands.

This proposal has minimal impacts on Air Quality.

POLICY 2 : All solid waste discharge will be disposed of in accordance with the County Solid Waste Management Plan.

Train Mountain is serviced by Waste Management who recycles or disposes of the trash consistent with the County Solid Waste Plan.

POLICY 3 : Approved sewage disposal alternatives have been identified.

Train Mountain locates porta-potties periodically along its track as recommended by Oregon Environmental Health. They are serviced regularly by licensed providers.

POLICY 7 : Consideration shall be given to locating noise-sensitive activities away from noise generators.

No noise generators are associated with this application.

The only noise sensitive issue is the Eagles Nest on adjoining Forest Service land and we have taken careful steps to protect that nest including establishing a quiet running zone. See Section X, the Wildlife Plan

G. Goal 7 – Areas Subject to Natural Disasters and Hazards:

POLICY 1 : The County shall consider site constraints in evaluating land use in fire hazard areas. Within designated areas where population or building densities may be inappropriate to the hazards present, measures will be developed to mitigate risk to life and property loss.

The property is within the Chiloquin-Agency Lake Rural Fire Protection District. Train Mountain has good communication with the District and actively works to minimize fire risks and to make access easier.

The Train Mountain forested land has been harvested by Train Mountain to remove diseased trees and underbrush. The timber harvesting has also thinned the trees to approximately a 20' spacing. These forestry operations have substantially reduced the risk of wildland fire by removing light fuels. The operations also reduced potential beetle kill, thereby enhancing the health of the forest in general.

The Train Park Support Area are and will be served by good roads to give easy access for any medical emergency.

Train Mountain has activated a well to provide additional fire water near southern Steiger Butte. This well supports an 8,000 gallon tank car full of water that feeds a fire hydrant on the main road.

This proposal gets more people on the property to ensure quick response to Fires and other emergencies.

POLICY 2 : The County will continue to participate in the Federal Emergency Management Agency's National Flood Insurance Program.

The Train Park Support Area is not within an area prone to flooding.

POLICY 3 : New development shall be kept off of slopes greater than 25 percent, unless engineering plans are approved by the County Department of Public Works.

The Train Park Support Area has very few slopes greater than 25 percent.

Train Mountain has hired a Geo-Technical engineer and prepared a Steep Slopes Policy requiring Geo-Technical consultation on any improvements on Steep Slopes.

H. Goal 8 – Recreational Need:

POLICY 1 : When planning for lands and resources capable of accommodating multiple uses, the County shall encourage the provision of appropriate recreation opportunities.

The Train Mountain Train Park provides recreational opportunities including picnicking, horse back riding, hiking, wildlife watching, and model railroading.

POLICY 4 : The County shall assist private investors seeking to establish new commercial recreation enterprises.

Klamath County supports the completion of Train Mountain, preserving additional property for recreation including picnicking, horse back riding, hiking, wildlife watching, and model railroading.

6. POLICY: The County shall establish grading standards that limit runoff and erosion from residential, commercial, and industrial construction sites.

Train Mountain installs drainage swales, culverts, and catch basins to control runoff from the roads, trails, and railroad grade to limit erosion.

POLICY 10 : Maintenance and improvement of those public park and campground facilities located in Forestry and EFU designated lands shall be allowed.

By approving the Train Park Support Area, Klamath County supports Train Mountain Train Park in preserving additional property for recreation.

I. Goal 9 – Economic Development:

POLICY 9 : The County shall encourage plans and methods that emphasize expansion of and increase productivity from existing industries and firms as a means to strengthen local and regional development.

Train Mountain is an established local firm in its 27th year of operating the 7.5" model railroad. Train Mountain is the World's largest 7.5" gauge model railroad. The over 25 miles of runs attracts railway enthusiasts from everywhere.... all over the world... in 2013 from most of the fifty states, from Canada, Switzerland, Sweden, Australia, Austria, Germany, China, India and Japan and at least one from South Africa.

Each year the number of people visiting Train Mountain grows. In 2015 Train Mountain will host its every 3 year Triennial. Attendance is significantly higher in Triennial years. Train enthusiasts come from all over the world... particularly Germany, England, New Zealand, and Australia. Most stay around 10 days... staying in local motels and eating in area restaurants. The whole Klamath Falls – Chiloquin – Crater Lake corridor benefits economically.

POLICY 10 : The County shall support efforts to develop tourist and economic development promotional programs.

Train Mountain is one of Klamath County's most effective programs at getting visitors to the stay in the County.

The public needs more visitors staying in the County and therefore needs to help Train Mountain get the volunteers it needs to grow and prosper.

This is a great step toward increasing Klamath County's viability.

POLICY 11 : The County shall encourage (in appropriate locations and in accordance with the plan) the development of resort and summer homes, and other needed accommodations, attractions, activities, and facilities that will encourage tourists to make Klamath County a destination point rather than a pass through point.

Train Mountain makes Klamath County a destination point rather than a pass through point.

The Train Park Support Area will strengthen Train Mountain and make it a bigger draw.

K. Goal 11 – Public Facilities and Services:

9. 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.

The public services which will support this development are the Chiloquin Agency Lake Fire Protection District, the Klamath County Sheriff's Office and the Chiloquin School District. Adequate capacity exists within these agencies to support the Train Park Support area.

The proposed Train Park Support Area will have minimal impact on the ability of existing cities and service districts to provide services.

The Train Park Support Area will not rely on city water or sewer.

No impact on the Chiloquin School District is anticipated from the Train Park Support Area.

The improvements will generate additional tax revenues to fund any additional fire or police requirements.

L. Goal 12 – Transportation:

POLICY 11 : A safe, convenient and economic transportation system, adequate to serve anticipated growth, shall be developed that will minimize adverse social, economic and environmental impacts and costs of the transportation systems.

Traffic impacts from the Train Park Support Area should be minimal to non-existent. See Section L - Compliance with the Urban Transportation Plan.

The proposed Train Park Support area should have no impact on transportation.

Train Mountain's main entrance is off Klamath County's local South Chiloquin Road and not off of Highway 97. The Train Park Support Area uses this entrance.

Train Mountain provides adequate parking at its facilities.

M. Goal 13 – Energy Conservation:

The Energy Conservation Goal is not directly affected by this proposal.

Train Mountain captures many of its visitors for multiple day stays. When they are playing at Train Mountain they are not out driving their cars and consuming energy.

The Train Park Support Area will help move many trips from cars to trains. Trains weigh less and take far less fuel than automobiles.

The Exception Aspect

The proposed Train Park Support Area requires an exception to Goal 4 (Forestry).

This Exception is discussed in Section M.

Conclusion

When the proposed changes are judged against the Klamath County Comprehensive Plan, the proposed changes offer Klamath County identifiable benefits which exceed those available from the land's present use.

L --- BURDEN OF PROOF STATEMENT -- Compliance With Urban Transportation Plan

The Urban Transport Plan contains several standards, but the major points are :

1) whether the project has Oregon Department of Transportation (ODOT) approval -
-- Access to property fronting upon a state highway shall be subject to the permits issued by ODOT.

Exhibit S has the Train Mountain Access Permits required for the Train Park Support Area.

2) whether a Traffic Impact Study is required.

The Urban Transportation Plan Section 71.200 lays out when a Traffic Impact Study is required. The proposed development is a small scale development that does not require a traffic impact study.

The standard is that a traffic impact study shall be developed by a Professional Engineer under any of the following conditions:

1. The proposed development generates 50 or more peak-hour trips or 500 or more daily trips.

The Train Park Support Area is not expected to generate 50 or more peak-hour trips or 500 or more daily trips.

2. An access spacing exception is required for the site access driveway(s) and the development generates 25 or more peak-hour trips or 250 or more daily trips.

The existing approved Train Mountain Access Permits are adequate for the Train Park Support Area. Additional driveways are not required.

3. The proposed development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.

The proposed Train Park Support Area does not impact intersections that are currently operating at the upper limits of their level of service.

4. The proposed development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high

crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.

None of the intersections near the Train Park Support Area have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.

The proposed Train Park Support Area will have minimal impact and does not require a Traffic Impact Study.

The Train Park Support Area is not anticipated to have temporary traffic impacts or cause disproportionate damage on existing infrastructure.

Summary

The proposed Train Park Support Area complies with the Urban Transport Plan. No Traffic Impact Study is required.

OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses

OAR 660-004-0028 Exception Requirements for Land Irrevocably Committed to Other Uses

The relevant language is :

(1) A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

The Train Park Support Area is irrevocably committed to Train Park Support activities which have resulted from a 27 year history of land use approvals.

Central Station :

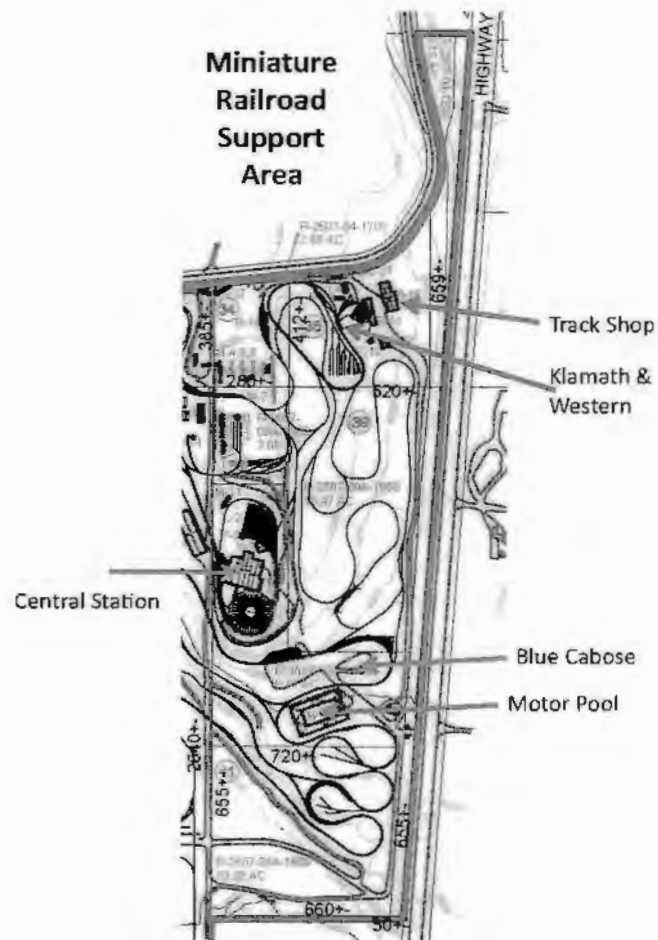
- Meeting Hall
- Guest Rooms
- Kitchen
- Library
- Museum Store
- Office Space
- Wood Shop

Blue Caboose Campground
where visiting volunteers stay

Track Shop
Building Track and Switches

Motor Pool
Maintaining Vehicles &
Construction Equip.
Wood Shop
Metal Shop
Storage
Laundry
Restrooms
Showers

Klamath & Western Public Rides
Train Storage
Restrooms



The area also hosts the outdoor display of full sized railroad equipment, model buildings, train storage buildings, and a train fueling area.

The proposed Train Park Support Area Improvements offer Klamath County identifiable social and economic benefits which exceed those available from forestry. The environment, wildlife, and recreation all benefit from solidifying the area's use as a private park. Needed public services and transportation are not affected by the Train Park Support Area.

Klamath County benefits from Train Mountain Economically

Train Mountain's economic importance to the area rests on :

a-- Train Mountain's world wide status and its proven potential as an attraction for visitors rather than as a direct employment generator,

b-- Train Mountain's public benefit non-profit contribution to the quality of life in the Klamath Basin which attracts many good things to the county.

Best available figures indicate that Train Mountain and its visitors currently account for \$1.255M in direct expenditures or about \$3M in annual economic activity using a 2.5 multiplier. In Triennial years Train Mountain and its visitors currently account for \$2.2M in direct expenditures or about \$5.5M of annual economic activity using a 2.5 multiplier. See Section B, Pages 6 and 7.

Dean Runyan & Associates in an April 2013 study... [Oregon Travel Impacts 1991-2012](http://www.deanrunyan.com/doc_library/ORImp.pdf) http://www.deanrunyan.com/doc_library/ORImp.pdf estimates that in Klamath County :

Every \$75,840 of visitor spending creates a job

Every \$100 of visitor spending generates \$30 in Employee Earnings

Every \$100 of visitor spending generates \$4.60 in tax revenues

Based on Dean Runyan's study, Train Mountain economic activity now supports :
20 jobs.... 3.5 jobs at Train Mountain and 16.5 jobs in Klamath County and an additional 9 jobs in Triennial years.

\$375K in Employee Earnings in Klamath County plus the \$100K Train Mountain payroll.

an additional \$285K in Employee Earnings in Triennial years.

\$80K in Tax Revenues \$57,730 Runyan predicts plus the \$23,694 that TM Pays each year.

an additional \$21,000 in Triennial years.

The Train Park Support Area is needed to continue delivering and growing these economic benefits for Klamath County.