

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
 FOR COMPREHENSIVE LAND USE PLAN)
 CHANGE AND ZONE CHANGE No. 78-58,)
 BY ROLAND J. SCHILL)

O R D E R

THIS MATTER having come on for hearing upon the appli-
 cation of Roland J. Schill for a Comprehensive Land Use Plan
 change from Forestry to Residential Recreational and a Zone
 Change from F (Forestry) to SP-1 (Rural-Residential), by the
 Klamath County Planning Commission, on real property described
 as Township 37S, Range 9 and a portion of 8 EWM, Section 31,
 being Tax Lot 700 and 4100. Public hearings having been heard
 by the Klamath County Planning Commission on December 19, 1978,
 wherefrom the testimony, reports, and information produced at
 the hearing by the applicant, members of the Planning Department
 Staff and other persons in attendance, the Planning Commission
 recommended approval to the Board of County Commissioners.
 Following action by the Planning Commission, a public hearing
 before the Board of County Commissioners was regularly held on
 January 16, 1979, wherefrom the testimony at said hearing it
 appeared that the record below was accurate and complete and it
 appears from the testimony, reports and exhibits introduced at
 the hearing before the Planning Commission that the application
 for a change of Comprehensive Land Use Plan and Zone Change
 for the subject property, should be granted.

The Board of County Commissioners makes the following
 Findings of Fact and Conclusions of Law as required by Ordinance

10.

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1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
3 CHANGE:

4 1. The Board of Commissioners found site for change
5 in Comprehensive Land Use Plan and zone to be located on the
6 southeast corner of Highway 97 and Shady Pine Road.

7 2. The Board of Commissioners found site to be
8 approximately 46 acres in size, thus meeting the property
9 development standards of the SP-1 (Rural-Residential) Zone.

10 3. The Board of Commissioners found that within the
11 area there was another site that had residential recreational
12 land use designation as well as SP-1 zoning.

13 4. The Board of Commissioners found site had access
14 off of Shady Pine Road and applicant stated he will need to meet
15 Public Works requirements.

16 5. The Board of Commissioners found that change in
17 land use and zone appeared to be the trend in that there was
18 an existing subdivision called Shady Pines, approximately one (1)
19 mile away.

20 6. The Board of Commissioners found adjacent land
21 owners had been notified and also no input from the Area Committee,
22 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

23 7. The Board of Commissioners found proposed use
24 was in conformance with surrounding land uses, thus addressing
25 L.C.D.C. Goal No. 2, Land Use Planning.

26 8. The Board of Commissioners found that proposed
27 46 acres for change in land use and zone had not been farmed,
28 thus addressing L.C.D.C. Goal No. 3, Agriculture.

1 9. The Board of Commissioners found that the proposed
2 46 acres for change in land use and zone had no trees of economical
3 value, thus addressing L.C.D.C. Goal No. 4, Forestry.

4 10. The Board of Commissioners found site for change
5 in land use and zone would not have too much effect on wildlife
6 although Department of Fish and Wildlife had concerns about small
7 rodents, thus addressing L.C.D.C. Goal No. 6, Natural Resources.

8 11. The Board of Commissioners found site would have
9 water by individual wells and septic tanks would be by DEQ
10 approved, thus addressing L.C.D.C. Goal No. 6, Air, Water and Land
11 Resources Quality.

12 12. The Board of Commissioners found that there would
13 be a definite effect on the economy of the state in that more
14 Tax Lots would be in the area and also the proposed development
15 would provide some work for people in the Klamath Basin.

16 13. The Board of Commissioners found that there is a
17 definite need for five (5) acre homesites and especially a view
18 type lot as those that would be overlooking Klamath Lake, thus
19 addressing L.C.D.C. Goal No. 10, Housing.

20 14. The Board of Commissioners found site would have
21 individual wells to provide water, plus site would have electricity
22 and telephone service. The City School Superintendent, Mr. Ferguson,
23 stated he did not see a problem that would effect the school,
24 thus addressing L.C.D.C. Goal No. 11, Public Facilities and
25 Services.

26 15. The Board of Commissioners found site had access
27 off of Shady Pine Road, thus addressing L.C.D.C. Goal No. 12,
28 Transportation.

1 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
2 CHANGE:

3 1. The property affected by the Comprehensive Land
4 Use Plan change is adequate in size and shape to facilitate
5 those uses normally allowed in conjunction with such zoning.

6 2. The property affected by the proposed Comprehensive
7 Land Use Plan change is properly related to streets and highways
8 to adequately serve the type of traffic generated by such uses
9 that may be permitted therein.

10 3. The proposed Comprehensive Land Use Plan change
11 will have no adverse effect or only limited adverse effect on
12 any property or the permitted uses thereof within the affected
13 area.

14 4. That the proposed Comprehensive Land Use Plan
15 change is in keeping with any land use plans duly adopted and
16 does, in effect, represent the highest, best and most appropriate
17 use of the land affected.

18 5. That the proposed Comprehensive Land Use Plan
19 change is in keeping with land uses and improvements, trends in
20 land development, density of land development, and prospective
21 needs for development in the affected area.

22 FINDINGS OF FACT FOR ZONE CHANGE:

23 1. The Board of Commissioners found site for change
24 in Comprehensive Land Use Plan and Zone to be located on the
25 southeast corner of Highway 97 and Shady Pine Road.

26 2. The Board of Commissioners found site to be
27 approximately 46 acres in size, thus meeting the property develop-
28 ment standards of the SP-1 (Rural-Residential) Zone.

1 3. The Board of Commissioners found that within the
2 area there was another site that had residential recreational
3 land use designation as well as SP-1 Zoning.

4 4. The Board of Commissioners found site had access
5 off of Shady Pine Road and applicant stated he will need to meet
6 Public Works requirements.

7 5. The Board of Commissioners found that change in
8 land use and zone appeared to be the trend in that there was
9 an existing subdivision called Shady Pines, approximately one(1)
10 mile away.

11 6. The Board of Commissioners found adjacent land
12 owners had been notified and also no input from the Area Committee,
13 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

14 7. The Board of Commissioners found proposed use
15 was in conformance with surrounding land uses, thus addressing
16 L.C.D.C. Goal No. 2, Land Use Planning.

17 8. The Board of Commissioners found that proposed
18 46 acres for change in land use and zone had not been farmed,
19 thus addressing L.C.D.C. Goal No. 3, Agriculture.

20 9. The Board of Commissioners found that the
21 proposed 46 acres for change in land use and zone had no trees
22 of economical value, thus addressing L.C.D.C. Goal No. 4, Forestry.

23 10. The Board of Commissioners found site for change
24 in land use and zone would not have too much effect on wildlife
25 although Department of Fish and Wildlife had concerns about small
26 rodents, thus addressing L.C.D.C. Goal No. 6, Natural Resources.

27 11. The Board of Commissioners found site would have
28 water by individual wells and septic tanks would by by DEQ

1 approved, thus addressing L.C.D.C. Goal No. 6, Air, Water and Land
2 Resources Quality.

3 12. The Board of Commissioners found that there would
4 be a definite effect on the economy of the state in that more
5 tax lots would be in the area and also the proposed development
6 would provide some work for people in the Klamath Basin.

7 13. The Board of Commissioners found that there is a
8 definite need for five (5) acre homesites and especially a view
9 type lot as those that would be overlooking Klamath Lake, thus
10 addressing L.C.D.C. Goal No. 10, Housing.

11 14. The Board of Commissioners found site would have
12 individual wells to provide water, plus site would have electricity
13 and telephone service. The City School Superintendent, Mr.
14 Ferguson, stated he did not see a problem that would effect the
15 school, thus addressing L.C.D.C. Goal No. 11, Public Facilities
16 and Services.

17 15. The Board of Commissioners found site had access
18 off of Shady Pine Road, thus addressing L.C.D.C. Goal No. 12,
19 Transportation.

20 CONCLUSIONS OF LAW FOR ZONE CHANGE:

21 1. The property affected by the change of zone is
22 adequate in size and shape to facilitate those uses normally
23 allowed in conjunction with such zoning.

24 2. The property affected by the proposed change of
25 zone is properly related to streets and highways to adequately
26 serve the type of traffic generated by such uses that may be
27 permitted therein.

28 3. That the proposed change of zone will have no

1 adverse effect or only limited adverse effect on any property
2 or the permitted uses thereof within the affected area.

3 4. The proposed change of zone is in keeping with
4 any land use plans duly adopted and does, in effect, represent
5 the highest, best and most appropriate use of the land affected.

6 5. That the proposed change of zone is in keeping
7 with land uses and improvements, trends in land development,
8 density of land development, and prospective needs for development
9 in the affected area.

10 NOW, THEREFORE, it is hereby ordered that the appli-
11 cation for the Comprehensive Land Use Plan change from Forestry
12 to Residential Recreational and Zone Change from F (Forestry)
13 to SP-1 (Rural-Residential) for Roland J. Schill on the subject
14 property, is hereby granted.

15 DONE AND DATED THIS 28th DAY OF February, 1979.

16
17 Gloyd L. Kinn
18 CHAIRMAN OF THE BOARD

19
20 Alvin A. Chyke
21 COUNTY COMMISSIONER

22
23 Russ Kuonen
COUNTY COMMISSIONER

24 APPROVED AS TO FORM:
25 Boivin, Boivin & Aspell

26 By: Robert Boivin
COUNTY LEGAL COUNSEL

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

Klamath County
on this 6th day of March A.D. 19 79
at 10:18 o'clock A M, and duly
recorded in Vol. M79 of Deeds
Page 4953

Wm D. MILNE, County Clerk

By Bernice H. Hilt Deputy

Fee None