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BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-40)
FOR BEN RUNNELS)

O R D E R

THIS MATTER having come on for hearing upon the application of Ben Runnels for a Comprehensive Land Use Plan change from Forestry to Multiple Density and a zone change from C-2 (Community Commercial) to MHP (Mobile Home Park), by the Klamath County Planning Commission, on real property described as Township 36, Range 6, Section 10, Tax Lot 101. Public hearings having been heard by the Klamath County Planning Commission on September 25, 1979, and March 25, 1980, 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 May 21, 1980, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appeared 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 No. 17, the Klamath County Zoning Ordinance:

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1. The Board of County Commissioners found site for change in Comprehensive Land Use Plan and zone to be approximately five acres in size.

2. The Board of County Commissioners found site for change in Comprehensive Land Use Plan to Multiple Density and zone to Mobile Home Park to be rectangular in shape.

3. The Board of County Commissioners found site to be generally located 400 feet east of Westside Road, north of Pitt Creek, being in the Rocky Point area.

4. The Board of County Commissioners found access would be off of Westside Road, which is a paved county road.

5. The Board of County Commissioners found the intent of the Applicant was to place mobile homes on the approximate five acres, but the Department of Environmental Quality has allowed one mobile home hook-up as to their letter dated March 7, 1980.

6. The Board of County Commissioners found testimony from surrounding property owners have had limited effect on use of their property. Some of the testimony indicated that the trees were blocking view from their houses on anything placed on the lot now and in the last several years.

7. The Board of County Commissioners found access, that is through the Forest Service, that there was no opposition to that access, and an additional access is from Westside Road, north of Pitt Creek.

8. The Board of County Commissioners found that notification was sent to the surrounding property owners and to the

Herald and News, and notification was also sent to the Rocky Point Area Committee, therefore addressing L. C. D. C. Goal No. 1.

9. The Board of County Commissioners found that the site is now zoned C-2 (Commercial Community) and the request is for a MHP (Mobile Home Park). The land has never been farmed. Soils are Class VIII. These soils have limitations that preclude their use for commercial plants, therefore addressing L. C. D. C. Goal No. 3.

10. The Board of County Commissioners found through testimony that the water table is often deeper than what is indicated in the Staff Report by several feet, and that the Department of Environmental Quality has allowed one mobile home hook-up as to their letter of March 7, 1980, therefore addressing L. C. D. C. Goal No. 6.

11. The Board of County Commissioners found the site to be close to recreational uses, such as fishing, hunting, plus winter sports, therefore addressing L. C. D. C. Goal No. 8.

12. The Board of County Commissioners found that Public Facilities to site are electricity and telephone service. The Board of County Commissioners also found that site is also within the Keno-Harriman School District, and also in the Harriman Fire District, therefore addressing L. C. D. C. Goal No. 11.

13. The Board of County Commissioners found that site for change in Comprehensive Land Use Plan and zone is in an area where some development has taken place, therefore addressing L. C. D. C. Goal No. 14.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

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

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

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

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

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

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners found site for change in Comprehensive Land Use Plan and zone to be approximately five acres in size.

2. The Board of County Commissioners found site for change in Comprehensive Land Use Plan to Multiple Density and zone to MHP (Mobile Home Park) to be rectangular in shape.

3. The Board of County Commissioners found site to be generally located 400 feet east of Westside Road, north of Pitt Creek, being in the Rocky Point area.

4. The Board of County Commissioners found access would be off of Westside Road, which is a paved county road.

5. The Board of County Commissioners found the intent of the Applicant was to place mobile homes on the approximate five acres, but the Department of Environmental Quality has allowed one mobile home hook-up as to their letter dated March 7, 1980.

6. The Board of County Commissioners found testimony from surrounding property owners have had limited effect on use of their property. Some of the testimony indicated that the trees were blocking the view from their houses on anything placed on the lot now and in the last several years.

7. The Board of County Commissioners found access, that is through the Forest Service, that there was no opposition to that access; and an additional access is from Westside Road, north of Pitt Creek.

8. The Board of County Commissioners found that notification was sent to the surrounding property owners and to the Herald and News, and notification was also sent to the Rocky Point Area Committee, therefore addressing L. C. D. C. Goal No. 1.

9. The Board of County Commissioners found that the site is now zoned C-2 (Commercial Community) and the request is for a MHP (Mobile Home Park). The land has never been farmed. Soils are Class VIII. These soils have limitations that preclude their use for commercial plants, therefore addressing L. C. D. C. Goal No. 3.

10. The Board of County Commissioners found through testimony that the water table is often deeper than what is indicated in the Staff Report by several feet, and that the

Department of Environmental Quality has allowed one mobile home hook-up as to their letter of March 7, 1980, therefore addressing L. C. D. C. Goal No. 6.

11. The Board of County Commissioners found the site to be close to recreational uses, such as fishing, hunting, plus winter sports, therefore addressing L. C. D. C. Goal No. 8.

12. The Board of County Commissioners found that Public Facilities to site are electricity and telephone service. The Board of County Commissioners also found that site is also within the Keno-Harriman School District, and also in the Harriman Fire District, therefore addressing L. C. D. C. Goal No. 11.

13. The Board of County Commissioners found that site for change in Comprehensive Land Use Plan and zone is in an area where some development has taken place, therefore addressing L. C. D. C. Goal No. 14.

CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

3. The proposed change of zone will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. The proposed change of zone is in keeping with land uses and improvements, trends in land development, density

of land development and prospective needs for development in the affected area.

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

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Forestry to Multiple Density, and zone change from C-2 (Commercial Community) to MHP (Mobile Home Park) for Ben Runnels on the subject property is hereby granted.

DONE AND DATED THIS 1st DAY OF August, 1980.

Chairman

Member

Member

APPROVED AS TO FORM:
Boivin and Boivin

By:

Commissioners Journal

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

Klamath County
on this 6th day of August A.D. 19 80
at 10:25 o'clock A M, and duly
recorded in Vol. M80 of Deeds
page 14576

Wm D. MILNE, County Clerk
By Bernetha Holstad Deputy
Fee None