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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE 80-41 AN ZONE CHANGE 80-41)
BY JOHN SCHOONOVER)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of John Schoonover for a Comprehensive Land Use Plan change
from Forestry to Residential Recreation and a zone change from
F (Forestry) to SP-1 (Rural Residential), by the Klamath County
Planning Commission, on real property described as the W $\frac{1}{2}$ SE $\frac{1}{4}$ of
Section 5, Township 25, Range 8, Tax Lot 3400. Public hearings
having been heard by the Klamath County Planning Commission on
September 23, 1980, wherefrom the testimony, reports, and informa-
tion 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 regu-
larly held on October 30, 1980, 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
No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1. The Board of Commissioners finds that the proposed use for the rectangular 80 acre tract located east of Forest Service Road 254 about 2 miles south of the junction of Forest Service Road 254 and Crescent Cut-Off Road is to subdivide 80 acres into 16 - 5 acre lots.

2. The Board of County Commissioners finds that the land use trends in the area are for public land and lumber company land with 28% privately owned land most of which is a recreation type of ownership. There are approximately 10 year-round homes in the area.

3. The Board of County Commissioners finds that the Planning Department notified surrounding property owners and agencies as required by law, thereby addressing LCDC Goal 1.

4. The current Comprehensive Land Use Plan and zoning designations are Forestry and F (Forestry) zone. The applicant is requesting changes which were made in accordance with the provisions of Klamath County Zoning Ordinance, thereby addressing LCDC Goal 2.

5. The Board of County Commissioners finds that the area is used for agriculture and has Class VI soils which have severe limitations that make them generally unsuited to cultivation and restrict their uses largely to pasture, range, woodland or wildlife, thereby addressing LCDC Goal 3.

6. The Board of County Commissioners finds that the site has a timber site productivity rating of Class V, 50-85 cubic feet per acre per year.

1 7. The Board of County Commissioners finds that a gravel
2 pit is in operation but that this operation would cease once a
3 subdivision was approved. The Planning Commission should deter-
4 mine the measures necessary to protect the water quality of the
5 river, thereby addressing LCDC Goal 5.

6 8. The Board of County Commissioners finds that a por-
7 tion of this property lies within the flood plain of the Little
8 Deschutes River, thereby addressing LCDC Goal 7.

9 9. The Board of County Commissioners finds that outdoor
10 recreation opportunities are available throughout this part of
11 Klamath County, thereby addressing LCDC Goal 8.

12 10. The Board of County Commissioners finds that the
13 change may provide 16 more residences in the north county area,
14 thereby addressing LCDC Goal 10.

15 11. The Board of County Commissioners finds that the site
16 is not within a fire district but does have electrical and tele-
17 phone services available. The school at Gilchrist is approximately
18 9 miles away, thereby addressing LCDC Goal 11.

19 12. The Board of County Commissioners finds that the
20 access is through Forest Service Road 254 and an easement from
21 Pope and Talbot. Both roads are user-maintained dirt roads. Their
22 statements address LCDC Goal 12.

23 13. The Board of County Commissioners finds that this is
24 a rural site. The Planning Commission addressed this goal to
25 determine compatibility with surrounding land uses and to ascer-
26 tain the need for additional rural homesites in the area, thereby
27 addressing LCDC Goal 14.

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

3 1. The property affected by the Comprehensive Land Use
4 Plan change is adequate in size and shape to facilitate those
5 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 will
11 have no adverse effect or only limited adverse effect on any pro-
12 perty or the permitted uses thereof within the affected area.

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

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

21 FINDINGS OF FACT FOR ZONE CHANGE:

22 1. The Board of Commissioners finds that the proposed use
23 for the rectangular 80 acre tract located east of Forest Service
24 Road 254 about 2 miles south of the junction of Forest Service Road
25 254 and Crescent Cut-Off Road is to subdivide 80 acres into 16 -
26 5 acre lots.

27 2. The Board of County Commissioners finds that the land
28 use trends in the area are for public land and lumber company land

1 with 28% privately owned land most of which is a recreation-type
2 of ownership. There are approximately ten year-round homes in the
3 area.

4 3. The Board of County Commissioners found that the
5 Planning Department notified surrounding property owners and
6 agencies as required by law, therefore addressing L. C. D. C.
7 Goal No. 1.

8 4. The current Comprehensive Land Use Plan and zoning
9 designations are Forestry and F (Forestry) zone. The applicant
10 is requesting changes which were made in accordance with the
11 provisions of Klamath County Zoning Ordinance, therefore address-
12 ing L. C. D. C. Goal No. 2.

13 5. The Board of County Commissioners found that the
14 area is used for agriculture and has Class VI soils which have
15 severe limitations that make them generally unsuited to cultiva-
16 tion and restrict their uses largely to pasture, range, woodland
17 or wildlife, therefore addressing L. C. D. C. Goal No. 3.

18 6. The Board of County Commissioners found that the site
19 has a timber site productivity rating of Class V, 50-85 cubic
20 feet per acre per year.

21 7. The Board of County Commissioners found that a
22 gravel pit is in operation but that this operation would cease
23 once a subdivision was approved. The Planning Commission should
24 determine the measures necessary to protect the water quality of
25 the river, therefore addressing L. C. D. C. Goal No. 5.

26 8. The Board of County Commissioners found that a
27 portion of this property lies within the flood plain of the
28 Little Deschutes River, therefore addressing L. C. D. C. Goal

1 No. 7.

2 9. The Board of County Commissioners found that outdoor
3 recreation opportunities are available throughout this part of
4 Klamath County, therefore addressing L. C. D. C. Goal No. 8.

5 10. The Board of County Commissioners found that the
6 change may provide 16 more residences in the north county area,
7 therefore addressing L. C. D. C. Goal No. 10.

8 11. The Board of County Commissioners found that the
9 site is not within a fire district but does have electrical and
10 telephone services available. The school at Gilchrist is approxi-
11 mately nine miles away, therefore addressing L. C. D. C. Goal No.
12 11.

13 12. The Board of County Commissioners found that the
14 access is through Forest Service Road 254 and an easement from
15 Pope and Talbot. Both roads are user-maintained dirt roads.
16 Their statements address L. C. D. C. Goal No. 12.

17 13. The Board of County Commissioners found that this
18 is a rural site. The Planning Commission addressed this goal to
19 determine compatibility with surrounding land uses and to
20 ascertain the need for additional rural homesites in the area,
21 therefore addressing L. C. D. C. Goal No. 14.

22 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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1 permitted therein.

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

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

9 5. The proposed change of zone is in keeping with land
10 uses and improvements, trends in land development, density of
11 land development and prospective needs for development in the
12 affected area.

13 NOW, THEREFORE, it is hereby ordered that the application
14 for the Comprehensive Land Use Plan change from Forestry to
15 Residential Recreation and zone change from F (Forestry) to
16 SP-1 (Rural Residential) for John Schoonover on the subject
17 property, is hereby granted.

18 DONE AND DATED THIS 19th DAY OF November, 1980.

19
20
21 Alvin A. Thayer
Chairman

22
23 Therese Guonan
Member

24
25
26 Harold L. Thayer
Member

27 APPROVED AS TO FORM;
28 By Robert L. Thayer
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STATE OF OREGON; COUNTY OF KLAMATH;ss.

I hereby certify that the within instrument was received and filed for record on the
20th day of November A.D., 19 80 at 10:17 o'clock A M., and duly recorded in
Vol M80 of Deeds on page 22560

Fee \$ None

WM. D. MILNE, County Clerk
by Bonnie L. Detrick deputy