

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION
OF COMPREHENSIVE LAND USE PLAN)
AND ZONE CHANGE NO. 80-55 FOR)
MARTHA D. SMITH/GEARY BROTHERS)

O R D E R

THIS MATTER having come on for hearing upon the application of Martha D. Smith/Geary Brothers for a Comprehensive Land Use Plan change from Forestry to Residential Recreation and a zone change from AF (Agricultural Forestry) to SP-1 (Rural Residential) by the Klamath County Planning Commission on real property described as being Sections 8, 9, and 5 of Township 38, Range 9. Public hearings having been heard by the Klamath County Planning Commission on December 16, 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 January 19, 1981, wherefrom the testimony at said hearing the Board of County Commissioners made a motion for decision only. On February 17, 1981, the Board of County Commissioners found that the record was not complete and said Comprehensive Land Use Plan and Zone Change be remanded back to the Planning Commission for further findings and additional information. On April 28, 1981, the Planning Commission made a motion to continue item to May 11, 1981, a special hearing.

Having heard additional information and additional and improved Findings as requested from the Board of County Commissioners

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1 ers, the Planning Commission on May 11, 1981, recommended approval
2 to the Board of County Commissioners.

3 Following action by the Planning Commission, a public
4 hearing was again regularly held before the Board of County
5 Commissioners on June 26, 1981, and wherefrom hearing the addi-
6 tional information and new and additional Findings for Comprehen-
7 sive Land Use Plan and Zone Change for Martha D. Smith/Geary
8 Brothers, the Board of County Commissioners granted Comprehensive
9 Land Use Plan and Zone Change.

10 The Board of County Commissioners makes the following
11 Findings of Fact and Conclusions of Law as required by Ordinance
12 No. 17.

13 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP
14 CHANGE:

15 1. The Board of County Commissioners finds that the
16 property is presently zoned F (Forestry). The existing Comprehen-
17 sive Land Use Plan is also Forestry. The land is surrounded by
18 land zoned F (Forestry), A (Agricultural), and AF (Agricultural
19 Forestry).

20 2. The Board of County Commissioners finds that the
21 property contains approximately 450 acres of gently-sloping land.
22 It is triangular in shape, 3/4 mile wide and 1 1/4 miles long.

23 3. The Board of County Commissioners finds that the
24 site is located northeast of Highway No. 140 and approximately
25 two miles west of the intersection of Highway No. 140 and Lake-
26 shore Drive. The property is located in Sections 7, 8, and 9,
27 Township 38, Range 8, Klamath County, Oregon.

28 4. The Board of County Commissioners finds that the
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1 proposed use is for rural residential home sites with lots of at
2 least one acre. Allowing for streets and open areas, maximum
3 final developed density will be approximately .67 dwelling units
4 per acre.

5
6 5. The Board of County Commissioners finds that the
7 property includes deeded access to Highway No. 140. The Oregon
8 State Highway Department letter states that access to the highway
9 will be granted to the property. The projected traffic volume
10 from the fully-developed property is 2,500 average daily trips.
11 The maximum current ADT of Highway No. 140 is 10,000. This
12 compares favorably with South Sixth Street, which has a maximum
13 ADT count in excess of 24,000. The property is served with
14 adequate access by Highway No. 140 and Highway No. 140 can
15 adequately carry the additional estimated traffic volume.

16 6. The Board of County Commissioners finds that the
17 effect of rural residential development of the property has
18 been studied by the Running Y Area Committee, which found that
19 there would be no adverse effect on the other land in the area.
20 As the findings under Statewide Goals 3, 4, and 14 demonstrate,
21 development of the subject property will not adversely effect
22 surrounding properties. The development of the subject property
23 is a natural extension of the currently existing residential
24 development of the Lakeshore Drive area. The proposed rural
25 residential development of the subject property will not
26 adversely effect or impact the surrounding land and land uses.
27 The development of the property will provide a buffer area
28 between urban and rural land uses.

7. The Board of County Commissioners finds that the

1 current land uses in the area are agricultural and residential.
2 There is a definite trend in the surrounding area toward resi-
3 dential uses. This trend is witnessed by the residential develop-
4 ment of the Orindale and Lakeshore Drive areas and the expansion
5 of the Klamath Falls city limits to include the Southview and
6 Pine Valley areas. The Area CCI has submitted its conceptual
7 plan for the Running Y area and the plan approves rural resi-
8 dential uses on the subject property and adjoining properties.
9 The current land use trend in the area is to rural residential
10 development of previously unused land.

11 8. The Board of County Commissioners finds the subject
12 property is undeveloped and unused. It is presently zoned F
13 (Forestry); yet, as shown by the finding under Goal No. 4, the
14 land is not forest land and will not support forestry uses. The
15 letters of the realtors included in the application supplement
16 and the policy of the Board of Commissioners of Klamath County,
17 Oregon, demonstrates a desire by residents to have available as
18 a housing choice rural residential homesites. The need for home
19 sites with the amenities of the subject property is further
20 supported by the KCEDA letter included in the supplement.
21 Finally, the report prepared by Gordon Davis demonstrates that
22 the subject property is particularly well suited for rural
23 residential development. The subject property is presently
24 zoned incorrectly and therefore locked in a non-use status.
25 There is a demonstrated need for rural residential building
26 sites and the subject property is particularly well suited to
27 meet that need.

28 9. The Board of County Commissioners finds that copies
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1 of the Comprehensive Land Use Plan and zone change application
2 were provided to the Running Y Area Committee for Citizen
3 Involvement which reviewed the proposal at its meeting on
4 October 29, 1980. In addition, copies of the Area Committee
5 minutes and the Gearys' application were mailed to each member
6 of the Area Committee on November 24, 1980. Pursuant to the
7 County's Ordinance, notice of the proposed Comprehensive Land
8 Use Plan and Zone Changes was sent to all agencies required to be
9 contacted for review and comment. Written responses were
10 received from several agencies including the Oregon State Highway
11 and Forestry Departments, the Department of Environmental Quality,
12 Pacific Northwest Bell, and Pacific Power & Light Company.
13 Further notice of the Klamath County Planning Commission Hearings
14 on December 16, 1980, and April 28, 1981, and the Board of
15 Commissioners Hearing on January 10, 1981, concerning the Geary
16 Application were published pursuant to law in the Herald and
17 News, a newspaper with general circulation in Klamath County.
18 The County Planning Commission conducted a public hearing on
19 December 16, 1980, and received testimony from all people in
20 attendance who indicated a desire to comment on the subject
21 application. Based upon the notification given, the review by
22 the Committee for Citizen Involvement, and the opportunity for
23 public comment at the Planning Commission Hearing, Goal No. 1
24 has been satisfied.

25 10. The Board of County Commissioners finds that at
26 present Klamath County does not have an acknowledged Comprehensive
27 Land Use Plan. However, through its Board of Commissioners,
28 Planning Commission, Planning Department, Master Plan Task Force

1 and Area Committee, the County is preparing a comprehensive plan.
2 This proposal is consistent with the land use plan drafts that
3 are now being considered by the County. This proposal is consist-
4 ent with all statewide goals and guidelines and no goal exceptions
5 are required. Based upon the notification given to affected
6 agencies, the fact that this proposal conforms with the conceptual
7 land use plan for the area, and the other findings contained
8 herein, Goal No. 2, Land Use Planning, has been satisfied.

9 11. The Board of County Commissioners finds that the
10 subject property contains predominantly Class VII soils; therefore
11 the subject property is predominantly non-agricultural. The
12 Staff Report and the Soil Conservation Service information
13 considered by the Commission supports this finding. Studies by
14 Gordon Davis, a Professional Land Use Planner; by Ray Peterson,
15 a former Agricultural Extension Service Specialist; and by the
16 Running Y Area Committee all concluded that rural residential
17 use of the subject property would not adversely affect the exist-
18 ing agricultural use of some other land in the area. The use of
19 the subject land has been limited in recent years to residential
20 uses. The agricultural lands goal has been satisfied in that the
21 subject land is not viable for agricultural uses; as predominantly
22 Class VII soils it does not qualify as agricultural land; and
23 further development of the subject land will not interfere in
24 any way with the agricultural use of adjacent lands, therefore
25 addressing L. C. D. C. Goal No. 3.

26 12. The Board of County Commissioners finds that the
27 property can best be summarized an open range with natural grasses
28 and brush common to this region, interspersed with stands of

1 pine. The expert appraisal of Tom Orr states that the land is
2 Forest Class VI, thus not forest land as defined by the goal. Mr.
3 Orr's report is supported by the Staff Report. The personal
4 experience of the owners, in which an attempt to reforest a
5 burned-over area of the subject property failed, also supports
6 this Finding. The Findings under Goal No. 5 show that there is
7 no need to preserve this land for wildlife habitat or openland.
8 The Oregon Department of Forestry submitted a letter dated
9 December 16, 1980. The letter states that the Department of
10 Forestry has provided technical assistance to the Applicants in
11 the past and the letter was accompanied by a Management Report
12 which had been prepared for the Applicants in 1978. Neither the
13 letter nor the Management Plan dispute Mr. Orr's findings that
14 the subject property is Forest Class 6 land. There is no explana-
15 tion in the letter which explains how planning goal four applies
16 to the subject property. The letter does not complain that
17 approval of the subject application would interfere with forest
18 management practices on the subject property or on any other
19 property in Klamath County. The testimony of the owners is that
20 they will continue to follow the management plan. This goal has
21 been satisfied since this land is not forest land as defined by
22 the goal and is not needed for open land or wildlife habitat.

23 13. The Board of County Commissioners finds that there
24 are no known ecological or scientifically significant natural area,
25 historic areas, sites, structures, or objects, cultural areas, or
26 potential or approved Oregon recreation trails on the property.
27 This finding is supported by the inventory maps in the 1980 pre-
28 liminary draft of the Comprehensive Master Plan for Klamath County,

1 Oregon. The property is not now used for agricultural or forest
2 uses, and, as discussed separately under those headings in these
3 findings, there is no potential for such uses in the future. The
4 opening of this area with a public road system will make available
5 to residents and the public many beautiful views of Upper Klamath
6 Lake and Western Klamath County. This goal is satisfied in that
7 the subject land contains no historic areas or natural resources
8 which would conflict with the goal, and residential use of this
9 property would serve to protect other area containing such
10 values.

11 14. The Board of County Commissioners finds that the
12 proposed residences would be served by individual or shared water
13 and septic waste systems. There are fourteen existing domestic
14 water wells on adjoining land with similar topography and
15 geology. The Soil Conservation Service Report shows that the
16 woodcock soils found on the property are suitable for septic
17 waste systems, but may be limited by steep slopes. The topo-
18 graphical map submitted by the Applicant shows that the subject
19 property consists predominantly of gentle slopes. Residential
20 development of this property located northwest of Klamath Falls
21 will help prevent further degeneration of the air quality of the
22 South Suburban area. The water and waste-discharge needs pro-
23 duced by residential use of the property can be met with on-site
24 water and waste systems. There will be no adverse effect on the
25 existing air, water, and land resources quality in the area and
26 development of this property may help stabilize or prevent air
27 and water quality problems of other areas in the Klamath Basin,
28 therefore addressing L. C. D. C. Goal No. 6, Air, Water, and

1 Land Resources Quality.

2 15. The Board of County Commissioners finds that the
3 property is not within any known flood plain and is not included
4 in any inventory of known areas of natural disaster or hazard.
5 This finding is supported by the 1980 Preliminary Draft Compre-
6 hensive Plan for Klamath County. The Soil Conservation Service
7 Report for the woodcock soils found on the property states that
8 the erosion hazard is "moderate." The soil types and geology of
9 the property are very similar to the Lakeshore-Drive-Lynnewood
10 areas which have been very satisfactory for development. This
11 goal is satisfied in that there is no hazard incident to the
12 development of this land.

13 16. The Board of County Commissioners finds that the
14 subject property is not now available for recreational use by the
15 public. Perpetuating the present zoning will not help satisfy
16 the recreational needs of the public. Rural residential zoning
17 and subsequent developmant of the property will allow residents
18 to maintain horses and other recreational animals on the property.
19 Restricted development of the northwest portion of the land due
20 to topographical limitations may provide hiking and horseback-
21 riding areas for the residents. On site public recreational
22 facilities will be provided as required by the development
23 ordinances then in effect. Development of this property will
24 unlock land not now open to public use. The proximity to Upper
25 Klamath Lake and the potential for equestrian and other recrea-
26 tional uses help satisfy the recreational needs of the public,
27 therefore addressing L. C. D. C. Goal No. 8, Recreational Needs.

28 17. The Board of County Commissioners finds that the

1 Klamath County Economic Development Association (KCEDA) supports
2 this application for Comprehensive Land Use Plan and zone change.
3 KCEDA reports that a major factor considered by industries in
4 selecting a site for construction of new manufacturing plants is
5 the availability of home sites with the living amenities found on
6 property such as the subject property. KCEDA and the State
7 Economic Development Commission are encouraging clean industry
8 to locate in southern and eastern Oregon. KCEDA's letter reports
9 that it has been successful in attracting residents with a choice
10 of housing locations. The private sector will benefit by devel-
11 opment of the subject property through construction contracts
12 and the accompanying payrolls. No new publicly-financed facili-
13 ties will be required by the development of the property. Water
14 and septic systems will be constructed by the residents and all
15 roads and other public facilities on the property will be paid
16 for by the property owners. The County will also benefit from
17 the addition to the tax base which accompanies development of
18 unused property. Development of the property will enhance local
19 and statewide economic development plans and is consistent with
20 the Economy Section of the 1980 Preliminary Draft Comprehensive
21 Plan, therefore addressing L. C. D. C. Goal No. 9, Economy of
22 the State.

23 18. The Board of County Commissioners finds that
24 persons knowledgeable in the field support the present and future
25 need for residential development of this property. In addition,
26 the necessity to allow for some freedom of choice and flexibility
27 as to location, type, and density also requires that land be
28 presently available for development. The effect of the State
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1 policy to disperse new industry to other than metropolitan
2 areas must be considered as factors that will increase demand in
3 southern and eastern Oregon communities. The subject property
4 is in close proximity to the downtown district and also to the
5 locations of the areas' major employers. The subject property
6 will provide buildable lands near to the existing downtown urban
7 area for rural residential use to help meet the anticipated
8 housing needs of the area in the near future, therefore address-
9 ing L. C. D. C. Goal No. 10, Housing.

10 19. The Board of County Commissioners finds that all
11 affected public agencies were notified of the pending applica-
12 tion. Water and septic systems can be efficiently supplied on
13 the property. No publicly-provided water or sewer services will
14 be required. The property is adjacent to Highway No. 140, which
15 is patrolled by the Oregon State Police and the Klamath County
16 Sheriff's Department. The area is in the Klamath County School
17 District. Letters from Pacific Power and Light Company and
18 Pacific Northwest Bell state that electricity and telephone
19 service will be provided to the property. Representatives of
20 Klamath County Fire District No. 1 have advised the Running Y
21 Area Committee that the District is ready, willing, and able to
22 supply fire protection services to the Running Y Area. The
23 District Board of Directors has stated that they will support a
24 request for annexation to the District. The applicants have
25 testified that they have submitted a request for annexation to
26 the District. Therefore, it appears that adequate fire protec-
27 tion is available to the subject property. If for any reason a
28 problem in supplying fire protection arises after the request
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1 has been approved, then an alternate fire protection plan can be
2 submitted at the time the preliminary subdivision plat is filed
3 by the owners. The County Staff Report, statements of private
4 utility companies, County master planning and the ready availa-
5 bility of domestic water establish that the subject property can
6 be served in a timely, orderly, and efficient manner, therefore
7 addressing L. C. D. C. Goal No. 11, Public Facilities.

8 20. The Board of County Commissioners finds that all
9 roads within the subject property will be developed at the
10 landowners' expense. The property is adjacent to and has deeded
11 access to Highway No. 140. The property is approxiamtely 14
12 minutes via Highway No. 140 to downtown Klamath Falls. Highways
13 Nos. 140 and 66 provide fast, safe, and efficient routes to the
14 Basin's major employers. The State Highway Department was
15 notified of the subject application and has stated by letter
16 that it has no objections to access to Highway No. 140. Also
17 see discussion under Finding No. 5 above. Based upon the above,
18 transportation needs of the subject property can be adequately
19 served by existing transportation route and by interior roads
20 which will be constructed by the owners, therefore addressing
21 L. C. D. C. Goal No. 12.

22 21. The Board of County Commissioners finds that the
23 south-facing slopes on the property will be an important feature
24 as solar heating systems are refined and made economical. The
25 close proximity of the property to commercial and employment
26 centers and the efficient access provided by Highway No. 140
27 make this rural residential site energy efficient in terms of
28 gasoline usage when compared to rural residential sites located

1 south and east of Klamath Falls. Development of this area has
2 the potential to be highly energy efficient through the develop-
3 ment of solar energy resources. In addition, the proximity to
4 the downtown district lessens the impact residential development
5 in alternate outlying areas would have on petroleum resources,
6 therefore addressing L. C. D. C. Goal No. 13.

7
8 22. The Board of County Commissioners finds that the
9 low density residential development of the property would provide
10 a buffer area between the high density urban area of the City and
11 the agricultural and forest areas west of the property. As noted
12 under Public Facilities and Services in these findings, the
13 public facilities and services appropriate for the needs and
14 requirements of the property are available to the property. The
15 surrounding area is presently used for residential and agricul-
16 tural purposes. The relationship of the subject property to the
17 Klamath Falls urban area, the findings related to Agriculture,
18 Forestry, Public Facilities and other goals establish that the
19 rural residential development of the subject property will aid
20 in providing for an orderly and efficient transition from rural
21 to urban land use, therefore addressing L. C. D. C. Goal No. 14.

22 ADDITIONAL FINDINGS MADE FROM THE ZAMSKY CASE:

23 1. The Board of County Commissioners finds that the
24 Hearings Officer in the Zamsky matter states that the decision
25 was not supported with findings and reasons and it did not
26 respond to goal-related issues raised by citizens. In the Geary
27 matter findings were made by the Planning Commission, and no
28 goal related issues were raised by citizens, therefore addressing
L. C. D. C. Goal No. 1.

1 2. The Board of County Commissioners finds that in
2 the Zamsky matter the Hearings Officer found that the surrounding
3 owners testified that it was necessary to keep the Zamsky lands in
4 their present zoning to allow farm practices to be continued on
5 adjacent and nearby lands and he found that the testimony to that
6 effect was not refuted. He therefore states that it was necess-
7 ary to take an exception to the Agricultural goal. In the Geary
8 matter the record shows a positive statement by the members of
9 the CCI that the change would not adversely affect their
10 continued use of land for agricultural purposes. There is a
11 letter from the manager of the adjoining property, who is also
12 Chairman of the CCI, confirming this and other matters, therefore
13 addressing L. C. D. C. Goals Nos. 2 and 3.

14 3. The Board of County Commissioners finds that in
15 the Zamsky matter the Hearings Officer states that findings don't
16 show that the neighboring land resources will not be degraded.
17 On Pages 24 and 25 of his full report he points out that it was
18 conceded that there would be a limited impact on surrounding
19 lands and that the Public Works Director had no standards to
20 mitigate this impact. The "limited impact" in that case arose
21 from drainage problems alleged to be damaging by testimony of
22 neighbors. In the Geary matter the petitioner filed for the
23 record copies of the SCS soil reports. These reports show that
24 the woodcock soil in the area has moderate permeability, runoff
25 is "medium", and erosion hazard is moderate. It can also be said
26 that typical residential landscaping would be superior to the
27 natural environment in the matter of containing runoff waters.
28 There is only one neighboring landowner in the Geary case - the
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1 Double D Land Company, therefore addressing L. C. D. C. Goal
2 No. 6.

3 4. The Board of County Commissioners finds that the
4 Hearings Officer in the Zamsky matter states that the Zamsky
5 findings did not demonstrate that the development would be
6 accompanied by provision for fire protection or storm drainage.
7 He notes on Page 29 of his full report these concerns arose from
8 the issue being raised by the Keno CCI, and that there was no
9 response. In the Geary application the distance to the Stewart-
10 Lennox Fire Station was noted as well as the fact that the road
11 from the station to the Geary property was lightly travelled.
12 Since the hearing, Klamath County Fire District One has annexed
13 a portion of the property in the Running Y CCI area, and their
14 boundary is now 2½ miles from the subject property. Chief Justin
15 George and two of the members of the Board of Directors of the
16 district have attended a meeting of the Running Y CCI. At that
17 meeting Chief George stated that on receipt of a request from
18 the landowners that they would initiate proceedings to annex the
19 property to the district. He stated that they would serve the
20 area, that they had plans for a new station in the Pelican City
21 area to serve Lakeshore, and that they would address the problem
22 of an additional station in the Running Y area as development
23 indicated a need for it. He stated that until that time he would
24 look to mutual aid from Stewart Lennox. Mr. Louis Schweiger and
25 Mr. Don Phelps, the board members present, concurred with Chief
26 George's statements. There is a letter to Klamath County Fire
27 District One from Martha Smith for Geary Brothers requesting such
28 annexation. The matter of the storm drainage is dealt with

1 under Finding No. 3 above, but it can again be noted that the
2 citizen complaints on this subject that concerned the Hearings
3 Officer are absent in the Geary case, therefore addressing
4 L. C. D. C. Goal No. 11.

5 5. The Board of County Commissioners finds that the
6 Zamsky Hearings Officer states that the findings in that matter
7 do not deal with the impact of the project and do not address
8 the other transportation considerations. In his full text he
9 points out that the number of trips per day that would be genera-
10 ted by the project were not provided. The Geary application did
11 set forth the expected trips per day based on well accepted
12 factors for such use. There is no similarity between the trans-
13 portation considerations in the Zamsky case and those of the
14 Geary case. Zamsky provided for 800 dwelling units and 10 acres
15 of shopping on 1,880 acres of land. In the Geary case there
16 would be a maximum of 300 single family dwelling units on 450
17 acres. The Zamsky project would be served by the Keno section
18 of Highway No. 66. The Geary project would be served by the
19 Klamath Falls-Lake of the Woods section of Highway No. 140. There
20 was testimony in the Zamsky matter claiming that the highway to
21 be used was already overcrowded and dangerous. Traffic counts on
22 that section of 140 were set forth in the Geary application and
23 contrasted to those on routes to the south suburban areas. Driving
24 times and the minimal number of stops to downtown were noted in
25 the Geary application. It can also be noted that the only data
26 on transportation problems which is included in Planning
27 Department studies is found in the Preliminary Draft (May 1980)
28 of A Comprehensive Plan for Klamath County, Part 2 Technical

1 Data. On Page XI-1 there is a study of present transportation
2 inventory and a discussion of significant problems. On Page
3 XI-5 of that section it is noted under "Road Use" that special
4 problems exist on the highway from Keno to Klamath Falls. No
5 problems are set out for the section of Highway No. 140 which
6 serves the Geary area, therefore addressing L. C. D. C. Goal
7 No. 12, Transportation.

8 6. The Board of County Commissioners finds that the
9 Hearings Officer in the Zamsky matter found that energy conse-
10 quences and alternatives were not considered. In the Geary
11 application there was considerable discussion of energy related
12 matters. There was expert opinion included in the application
13 to the effect that the choice of rural homesites could be expect-
14 ed to continue to be important to Oregonians and that the Geary
15 site was particularly well suited to meet those needs compared
16 to other areas because of its proximity to major employers,
17 schools, and hospitals over lightly travelled roads. The
18 intention of the Board of County Commissioners to see that such
19 choices would be available to the public in the new plan was
20 documented by the inclusion of their news release to that effect.
21 There was extensive verbal testimony at the hearing by Alice
22 Kilham as to the value of the solar heating features of the site
23 and the steps being undertaken to create designs maximizing those
24 advantages, therefore addressing L. C. D. C. Goal No. 13, Energy.

25 7. The Board of County Commissioners finds that the Zamsky
26 Hearings Officer concludes that no showing was made as to why
27 such a major project designed to meet long range needs should be
28 approved prior to acknowledgement of a comprehensive plan and
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1 that also the conversion criteria had not been adequately
2 addressed. On the first matter it is clear that the Geary matter
3 is not "such a major project" and is not similar in scope to the
4 Zamsky matter. Relative sizes and projected dwelling units have
5 been set forth earlier in this report. It can also be noted that
6 the Zamsky matter included a request for approval of a Master
7 Plan for 1,200 acres as well as for approval of the Zone and
8 CLUP change. Specific plans for development of the Geary property
9 is to be presented at a future time and if the new plan is then
10 approved it will be measured against those standards. It can
11 also be pointed out that in the Geary matter the studies and the
12 statistical data for the new plan were used wherever available
13 to measure the impact of the Geary request. These included maps
14 on wildlife, natural hazards, highways, historical areas, and
15 others. The SP-1 zoning was requested because it was the most
16 similar to RR Rural Residential which is proposed for the new
17 plan. Also we again point out that the Hearings Officer states
18 that his concerns arise from claims by the neighboring land
19 owners in this regard. No such concerns were expressed in the
20 Geary hearings. On the Hearings Officer's second concern -
21 conversion criteria - his statements on Pages 36 and 37 of his
22 full report explain this matter more fully. He states therein
23 either under the specific goals or under Goal No. 14 but -
24 "This does not mean that they must be separately addressed, but
25 all elements of each goal must be covered under one heading or
26 another." (Recommendation on Merits - Page 36, Lines 11, 12, and
27 13.). In the Geary matter the record shows that the items involv-
28 ed in the Zamsky reversal have been discussed under the individ-

1 ual goal headings, therefore addressing L. C. D. C. Goal No. 14.
2

3 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
4 CHANGE:

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

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

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

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

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

24 FINDINGS OF FACT FOR ZONE CHANGE:

25 1. The Board of County Commissioners finds that the
26 property is presently zoned F (Forestry). The existing Comprehen-
27 sive Land Use Plan is also Forestry. The land is surrounded by
28 land zoned F (Forestry), A (Agricultural), and AF (Agricultural
Forestry).

1 2. The Board of County Commissioners finds that the
2 property contains approximately 450 acres of gently-sloping land.
3 It is triangular in shape, 3/4 mile wide and 1 1/4 miles long.

4 3. The Board of County Commissioners finds that the
5 site is located northeast of Highway No. 140 and approximately
6 two miles west of the intersection of Highway No. 140 and Lake-
7 shore Drive. The property is located in Sections 7, 8, and 9,
8 Township 38, Range 8, Klamath County, Oregon.

9 4. The Board of County Commissioners finds that the
10 proposed use is for rural residential home sites with lots of at
11 least one acre. Allowing for streets and open areas, maximum
12 final developed density will be approximately .67 dwelling units
13 per acre.

14 5. The Board of County Commissioners finds that the
15 property includes deeded access to Highway No. 140. The Oregon
16 State Highway Department letter states that access to the highway
17 will be granted to the property. The projected traffic volume
18 from the fully-developed property is 2,500 average daily trips.
19 The maximum current ADT of Highway No. 140 is 10,000. This
20 compares favorably with South Sixth Street, which has a maximum
21 ADT count in excess of 24,000. The property is served with
22 adequate access by Highway No. 140 and Highway No. 140 can
23 adequately carry the additional estimated traffic volume.

24 6. The Board of County Commissioners finds that the
25 effect of rural residential development of the property has been
26 studied by the Running Y Area Committee, which found that there
27 would be no adverse effect on the other land in the area. As
28 the findings under Statewide Goals 3, 4, and 14 demonstrate,
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1 development of the subject property will not adversely effect
2 surrounding properties. The development of the subject property
3 is a natural extension of the currently existing residential
4 development of the Lakeshore Drive area. The proposed rural
5 residential development of the subject property will not
6 adversely effect or impact the surrounding land and land uses.
7 The development of the property will provide a buffer area
8 between urban and rural land uses.

9 7. The Board of County Commissioners finds that the
10 current land uses in the area are agricultural and residential.
11 There is a definite trend in the surrounding area toward resi-
12 dential uses. This trend is witnessed by the residential develop-
13 ment of the Orindale and Lakeshore Drive areas and the expansion
14 of the Klamath Falls city limits to include the Southview and
15 Pine Valley areas. The Area CCI has submitted its conceptual
16 plan for the Running Y area and the plan approves rural resi-
17 dential uses on the subject property and adjoining properties.
18 The current land use trend in the area is to rural residential
19 development of previously unused land.

20 8. The Board of County Commissioners finds the subject
21 property is undeveloped and unused. It is presently zoned F
22 (Forestry); yet, as shown by the finding under Goal No. 4, the
23 land is not forest land and will not support forestry uses. The
24 letters of the realtors included in the application supplement
25 and the policy of the Board of Commissioners of Klamath County,
26 Oregon, demonstrates a desire by residents to have available as
27 a housing choice rural residential homesites. The need for home
28 sites with the amenities of the subject property is further

1 supported by the KCEDA letter included in the supplement,
2 Finally, the report prepared by Gordon Davis demonstrates that
3 the subject property is particularly well suited for rural
4 residential development. The subject property is presently
5 zoned incorrectly and therefore locked in a non-use status.
6 There is a demonstrated need for rural residential building
7 sites and the subject property is particularly well suited to
8 meet that need.

9 9. The Board of County Commissioners finds that
10 copies of the Comprehensive Land Use Plan and zone change applica-
11 tion were provided to the Running Y Area Committee for Citizen
12 Involvement which reviewed the proposal at its meeting on
13 October 29, 1980. In addition, copies of the Area Committee
14 minutes and the Gearys' application were mailed to each member
15 of the Area Committee on November 24, 1980. Pursuant to the
16 County's Ordinance, notice of the proposed Comprehensive Land
17 Use Plan and Zone Changes was sent to all agencies required to be
18 contacted for review and comment. Written responses were
19 received from several agencies including the Oregon State Highway
20 and Forestry Departments, the Department of Environmental Quality,
21 Pacific Northwest Bell, and Pacific Power and Light Company.
22 Further notice of the Klamath County Planning Commission Hearings
23 on December 16, 1980, and April 28, 1981, and the Board of
24 Commissioners Hearing on January 10, 1981, concerning the Geary
25 Application were published pursuant to law in the Herald and
26 News, a newspaper with general circulation in Klamath County.
27 The County Planning Commission conducted a public hearing on
28 December 16, 1980, and received testimony from all people in

1 attendance who indicated a desire to comment on the subject
2 application. Based upon the notification given, the review by
3 the Committee for Citizen Involvement, and the opportunity for
4 public comment at the Planning Commission Hearing, Goal No. 1 has
5 been satisfied.

6 10. The Board of County Commissioners finds that at
7 present Klamath County does not have an acknowledged Comprehensive
8 Land Use Plan. However, through its Board of Commissioners,
9 Planning Commission, Planning Department, Master Plan Task Force
10 and Area Committee, the County is preparing a comprehensive plan.
11 This proposal is consistent with the land use plan drafts that
12 are now being considered by the County. This proposal is consist-
13 ent with all statewide goals and guidelines and no goal exceptions
14 are required. Based upon the notification given to affected
15 agencies, the fact that this proposal conforms with the conceptual
16 land use plan for the area, and the other findings contained
17 herein, Goal No. 2, Land Use Planning, has been satisfied.

18 11. The Board of County Commissioners finds that the
19 subject property contains predominantly Class VII soils; there-
20 fore the subject property is predominantly non-agricultural.
21 The Staff Report and the Soil Conservation Service information
22 considered by the Commission supports this finding. Studies by
23 Gordon Davis, a Professional Land Use Planner; by Ray Peterson,
24 a former Agricultural Extension Service Specialist; and by the
25 Running Y Area Committee all concluded that rural residential
26 use of the subject property would not adversely affect the exist-
27 ing agricultural use of some other land in the area. The use of
28 the subject land has been limited in recent years to residential

1 uses. The agricultural lands goal has been satisfied in that the
2 subject land is not viable for agricultural uses; as predominantly
3 Class VII soils it does not qualify as agricultural land; and
4 further development of the subject land will not interfere in
5 any way with the agricultural use of adjacent lands, therefore
6 addressing L. C. D. C. Goal No. 3.

7 12. The Board of County Commissioners finds that the
8 property can best be summarized an open range with natural grass-
9 es and brush common to this region, interspersed with stands of
10 pine. The expert appraisal of Tom Orr states that the land is
11 Forest Class VI, thus not forest land as defined by the goal.
12 Mr. Orr's report is supported by the Staff Report. The personal
13 experience of the owners, in which an attempt to reforest a
14 burned-over area of the subject property failed, also supports
15 this Finding. The Findings under Goal No. 5 show that there is
16 no need to preserve this land for wildlife habitat or openland.
17 The Oregon Department of Forestry submitted a letter dated
18 December 16, 1980. The letter states that the Department of
19 Forestry has provided technical assistance to the Applicants in
20 the past and the letter was accompanied by a Management Report
21 which had been prepared for the Applicants in 1978. Neither the
22 letter nor the Management Plan dispute Mr. Orr's findings that
23 the subject property is Forest Class VII land. There is no expla-
24 nation in the letter which explains how planning goal four applies
25 to the subject property. The letter does not complain that
26 approval of the subject application would interfere with forest
27 management practices on the subject property or on any other
28 property in Klamath County. The testimony of the owners is that

1 they will continue to follow the management plan. This goal has
2 been satisfied since this land is not forest land as defined by
3 the goal and is not needed for open land or wildlife habitat.

4 13. The Board of County Commissioners finds that there
5 are no known ecological or scientifically significant natural
6 area, historic areas, sites, structures, or objects, cultural
7 areas, or potential or approved Oregon recreation trails on the
8 property. This finding is supported by the inventory maps in the
9 1980 preliminary draft of the Comprehensive Master Plan for
10 Klamath County, Oregon. The property is not now used for agri-
11 cultural or forest uses, and as discussed separately under those
12 headings in these findings, there is no potential for such uses
13 in the future. The opening of this area with a public road
14 system will make available to residents and the public many
15 beautiful views of Upper Klamath Lake and Western Klamath County.
16 This goal is satisfied in that the subject land contains no
17 historic areas or natural resources which would conflict with the
18 goal, and residential use of this property would serve to protect
19 other area containing such values.

20 14. The Board of County Commissioners finds that the
21 proposed residences would be served by individual or shared water
22 and septic waste systems. There are fourteen existing domestic
23 water wells on adjoining land with similar topography and
24 geology. The Soil Conservation Service Report shows that the
25 woodcock soils found on the property are suitable for septic
26 waste systems, but may be limited by steep slopes. The topo-
27 graphical map submitted by the Applicant shows that the subject
28 property consists predominantly of gentle slopes. Residential

1 development of this property located northwest of Klamath Falls
2 will help prevent further degeneration of the air quality of the
3 South Suburban area. The water and waste-discharge needs pro-
4 duced by residential use of the property can be met with on-site
5 water and waste systems. There will be no adverse effect on the
6 existing air, water, and land resources quality in the area and
7 development of this property may help stabilize or prevent air
8 and water quality problems of other areas in the Klamath Basin,
9 therefore addressing L. C. D. C. Goal No. 6, Air, Water, and
10 Land Resources Quality.

11 15. The Board of County Commissioners finds that the
12 property is not within any known flood plain and is not included
13 in any inventory of known areas of natural disaster or hazard.
14 This finding is supported by the 1980 Preliminary Draft Compre-
15 hensive Plan for Klamath County. The Soil Conservation Service
16 Report for the woodcock soils found on the property states that
17 the erosion hazard is "moderate." The soil types and geology of
18 the property are very similar to the Lakeshore-Drive-Lynnewood
19 areas which have been very satisfactory for development. This
20 goal is satisfied in that there is no hazard incident to the
21 development of this land.

22 16. The Board of County Commissioners finds that the
23 subject property is not now available for recreational use by
24 the public. Perpetuating the present zoning will not help
25 satisfy the recreational needs of the public. Rural residential
26 zoning and subsequent development of the property will allow
27 residents to maintain horses and other recreational animals on
28 the property. Restricted development of the northwest portion

1 of the land due to topographical limitations may provide hiking
2 and horseback riding areas for the residents. On site public
3 recreational facilities will be provided as required by the
4 development ordinances then in effect. Development of this
5 property will unlock land not now open to public use. The
6 proximity to Upper Klamath Lake and the potential for equestrian
7 and other recreational uses help satisfy the recreational needs
8 of the public, therefore addressing L. C. D. C. Goal No. 8,
9 Recreational Needs.

10 17. The Board of County Commissioners finds that the
11 Klamath County Economic Development Association (KCEDA) supports
12 this application for Comprehensive Land Use Plan and zone change.
13 KCEDA reports that a major factor considered by industries in
14 selecting a site for construction of new manufacturing plants is
15 the availability of home sites with the living amenities found on
16 property such as the subject property. KCEDA and the State
17 Economic Development Commission are encouraging clean industry
18 to locate in southern and eastern Oregon. KCEDA's letter reports
19 that it has been successful in attracting residents with a choice
20 of housing locations. The private sector will benefit by devel-
21 opment of the subject property through construction contracts
22 and the accompanying payrolls. No new publicly-financed facili-
23 ties will be required by the development of the property. Water
24 and septic systems will be constructed by the residents and all
25 roads and other public facilities on the property will be paid
26 for by the property owners. The County will also benefit from
27 the addition to the tax base which accompanies development of
28 unused property. Development of the property will enhance local

1 and statewide economic development plans and is consistent with
2 the Economy Section of the 1980 Preliminary Draft Comprehensive
3 Plan, therefore addressing L. C. D. C. Goal No. 9, Economy of
4 the State.

5 18. The Board of County Commissioners finds that
6 persons knowledgeable in the field support the present and future
7 need for residential development of this property. In addition,
8 the necessity to allow for some freedom of choice and flexibility
9 as to location, type, and density also requires that land be
10 presently available for development. The effect of the State
11 policy to disperse new industry to other than metropolitan
12 areas must be considered as factors that will increase demand in
13 southern and eastern Oregon communities. The subject property
14 is in close proximity to the downtown district and also to the
15 locations of the areas' major employers. The subject property
16 will provide buildable lands near to the existing downtown urban
17 areas for rural residential use to help meet the anticipated
18 housing needs of the area in the near future, therefore address-
19 ing L. C. D. C. Goal No. 10, Housing.

20 19. The Board of County Commissioners finds that all
21 affected public agencies were notified of the pending applica-
22 tion. Water and septic systems can be efficiently supplied on
23 the property. No publicly-provided water or sewer services will
24 be required. The property is adjacent to Highway No. 140, which
25 is patrolled by the Oregon State Police and the Klamath County
26 Sheriff's Department. The area is in the Klamath County School
27 District. Letters from Pacific Power and Light Company and
28 Pacific Northwest Bell state that electricity and telephone
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1 service will be provided to the property. Representatives of
2 Klamath County Fire District No. 1 have advised the Running Y
3 Area Committee that the District is ready, willing, and able to
4 supply fire protection services to the Running Y area. The
5 District Board of Directors has stated that they will support a
6 request for annexation to the District. The applicants have
7 testified that they have submitted a request for annexation to
8 the District. Therefore, it appears that adequate fire protect-
9 ion is available to the subject property. If for any reason a
10 problem in supplying fire protection arises after the request
11 has been approved, then an alternate fire protection plan can be
12 submitted at the time the preliminary subdivision plat is filed
13 by the owners. The County Staff Report, statements of private
14 utility companies, County master planning and the ready availa-
15 bility of domestic water establish that the subject property can
16 be served in a timely, orderly, and efficient manner, therefore
17 addressing L. C. D. C. Goal No. 11, Public Facilities.

18 20. The Board of County Commissioners finds that all
19 roads within the subject property will be developed at the
20 landowners' expense. The property is adjacent to and has deeded
21 access to Highway No. 140. The property is approximately 14
22 minutes via Highway No. 140 to downtown Klamath Falls. Highways
23 Nos. 140 and 66 provide fast, safe, and efficient routes to the
24 Basin's major employers. The State Highway Department was
25 notified of the subject application and has stated by letter
26 that it has no objections to access to Highway No. 140, Also
27 see discussion under Finding No. 5 above. Based upon the above,
28 transportation needs of the subject property can be adequately

1 served by existing transportation route and by interior roads
2 which will be constructed by the owners, therefore addressing
3 L. C. D. C. Goal No. 12.

4 21. The Board of County Commissioners finds that the
5 south-facing slopes on the property will be an important feature
6 as solar heating systems are refined and made economical. The
7 close proximity of the property to commercial and employment
8 centers and the efficient access provided by Highway No. 140
9 make this rural residential site energy efficient in terms of
10 gasoline usage when compared to rural residential sites located
11 south and east of Klamath Falls. Development of this area has
12 the potential to be highly energy efficient through the develop-
13 ment of solar energy resources. In addition, the proximity to
14 the downtown district lessens the impact residential development
15 in alternate outlying areas would have on petroleum resources,
16 therefore addressing L. C. D. C. Goal No. 13.

17 22. The Board of County Commissioners finds that the
18 low density residential development of the property would provide
19 a buffer area between the high density urban area of the City and
20 the agricultural and forest areas west of the property. As noted
21 under Public Facilities and Services in these findings, the
22 requirements of the property are available to the property. The
23 surrounding area is presently used for residential and agricul-
24 tural purposes. The relationship of the subject property to the
25 Klamath Falls urban area, the findings related to Agriculture,
26 Forestry, Public Facilitie and other goals establish that the
27 rural residential development of the subject property will aid
28 in providing for an orderly and efficient transition from rural

1 to urban land use, therefore addressing L. C. D. C. Goal No. 14.
2

3 ADDITIONAL FINDINGS MADE FROM THE ZAMSKY CASE:

4 1. The Board of County Commissioners finds that the
5 Hearings Officer in the Zamsky matter states that the decision
6 was not supported with findings and reasons and it did not
7 respond to goal-related issues raised by citizens. In the Geary
8 matter findings were made by the Planning Commission, and no
9 goal related issues were raised by citizens, therefore addressing
10 L. C. D. C. Goal No. 1.

11 2. The Board of County Commissioners finds that in
12 the Zamsky matter the Hearings Officer found that the surrounding
13 owners testified that it was necessary to keep the Zamsky lands in
14 their present zoning to allow farm practices to be continued on
15 adjacent and nearby lands and he found that the testimony to that
16 effect was not refuted. He therefore states that it was necessary
17 to take an exception to the Agricultural goal. In the Geary
18 matter the record shows a positive statement by the members of
19 the CCI that the change would not adversely affect their continued
20 use of land for agricultural purposes. There is a letter from
21 the manager of the adjoining property, who is also Chairman of
22 the CCI, confirming this and other matters, therefore addressing
23 L. C. D. C. Goals Nos. 2 and 3.

24 3. The Board of County Commissioners finds that in
25 the Zamsky matter the Hearings Officer states that findings don't
26 show that the neighboring land resources will not be degraded.
27 On Pages 24 and 25 of his full report he points out that it was
28 conceded that there would be a limited impact on surrounding
lands and that the Public Works Director had no standards to
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1 mitigate this impact. The "limited impact" in that case arose
2 from drainage problems alleged to be damaging by testimony of
3 neighbors. In the Geary matter the petitioner filed for the
4 record copies of the SCS soil reports. These reports show that
5 the woodcock soil in the area has moderate permeability, runoff
6 is "medium", and erosion hazard is moderate. It can also be said
7 that typical residential landscaping would be superior to the
8 natural environment in the matter of containing runoff waters.
9 There is only one neighboring landowner in the Geary case - the
10 Double D Land Company, therefore addressing L. C. D. C. Goal
11 No. 6.

12 4. The Board of County Commissioners finds that the
13 Hearings Officer in the Zamsky matter states that the Zamsky
14 findings did not demonstrate that the development would be
15 accompanied by provision for fire protection or storm drainage.
16 He notes on Page 29 of his full report these concerns arose from
17 the issue being raised by the Keno CCI, and that there was no
18 response. In the Geary application the distance to the Stewart-
19 Lennox Fire Station was noted as well as the fact that the road
20 from the station to the Geary property was lightly travelled.
21 Since the hearing, Klamath County Fire District One has annexed
22 a portion of the property in the Running Y CCI area, and their
23 boundary is now $2\frac{1}{2}$ miles from the subject property. Chief Justin
24 George and two of the members of the Board of Directors of the
25 district have attended a meeting of the Running Y CCI. At that
26 meeting Chief Justin George stated that on receipt of a request
27 from the landowners that they would initiate proceedings to annex
28 the property to the district. He stated that they would serve

1 the area, that they had plans for a new station in the Pelican
2 City area to serve Lakeshore, and that they would address the
3 problem of an additional station in the Running Y area as develop-
4 ment indicated a need for it. He stated that until that time he
5 would look to mutual aid from Stewart Lennox. Mr. Louis Schweiger
6 and Mr. Don Phelps, the board members present, concurred with
7 Chief George's statements. There is a letter to Klamath County
8 Fire District One from Martha Smith for Geary Brothers requesting
9 such annexation. The matter of the storm drainage is dealt with
10 under Finding No. 3 above, but it can again be noted that the
11 citizen complaints on this subject that concerned the Hearings
12 Officer are absent in the Geary case, therefore addressing
13 L. C. D. C. Goal No. 11.

14 5. The Board of County Commissioners finds that the
15 Zamsky Hearings Officer states that the findings in that matter
16 do not deal with the impact of the project and do not address
17 the other transportation considerations. In his full text he
18 points out that the number of trips per day that would be genera-
19 ted by the project were not provided. The Geary application did
20 set forth the expected trips per day based on well accepted
21 factors such use. There is no similarity between the trans-
22 portation considerations in the Zamsky case and those of the
23 Geary case. Zamsky provided for 800 dwelling units and 10 acres
24 of shopping on 1,880 acres of land. In the Geary case there
25 would be a maximum of 300 single family dwelling units on 450
26 acres. The Zamsky project would be served by the Keno section
27 of Highway No. 66. The Geary project would be served by the
28 Klamath Falls-Lake of the Woods section of Highway No. 140.

1 There was testimony in the Zamsky matter claiming that the
2 highway to be used was already overcrowded and dangerous.
3 Traffic counts on that section of 140 were set forth in the
4 Geary application and contrasted to those on routes to the south
5 suburban areas. Driving times and the minimal number of stops
6 to downtown were noted in the Geary application. It can also be
7 noted that the only data on transportation problems which is
8 included in Planning Department studies is found in the Prelimin-
9 ary Draft (May 1980) of A Comprehensive Plan for Klamath County,
10 Part 2 Technical Data. On Page XI-1 there is a study of present
11 transportation inventory and a discussion of significant problems.
12 On Page XI-5 of that section it is noted under "Road Use" that
13 special problems exist on the highway from Keno to Klamath Falls.
14 No problems are set out for the section of Highway No. 140 which
15 serves the Geary area, therefore addressing L. C. D. C. Goal No.
16 12, Transportation.

17 6. The Board of County Commissioners finds that the
18 Hearings Officer in the Zamsky matter found that energy conse-
19 quences and alternative were not considered. In the Geary
20 application there was considerable discussion of energy related
21 matters. There was expert opinion included in the application
22 to the effect that the choice of rural homesites could be expect-
23 ed to continue to be important to Oregonians and that the Geary
24 site was particularly well suited to meet those needs compared
25 to other areas because of its proximity to major employers,
26 schools, and hospitals over lightly travelled roads. The
27 intention of the Board of County Commissioners to see that such
28 choices would be available to the public in the new plan was

1 documented by the inclusion of their news release to that effect.
2 There was extensive verbal testimony at the hearing by Alice
3 Kilham as to the value of the solar heating features of the site
4 and the steps being undertaken to create designs maximizing those
5 advantages, therefore addressing L. C. D. C. Goal No. 13, Energy.

6 7. The Board of County Commissioners finds that the
7 Zamsky Hearings Officer concludes that no showing was made as to:
8 why such a major project designed to meet long range needs should
9 be approved prior to acknowledgement of a comprehensive plan and
10 that also the conversion criteria had not been adequately
11 addressed. On the first matter it is clear that the Geary matter
12 is not "such a major project" and is not similar in scope to the
13 Zamsky matter. Relative sizes and projected dwelling units have
14 been set forth earlier in this report. It can also be noted that
15 the Zamsky matter included a request for approval of a Master
16 Plan for 1,200 acres as well as for approval of the Zone and
17 CLUP change. Specific plans for development of the Geary property
18 is to be presented at a future time and if the new plan is then
19 approved it will be measured against those standards. It can
20 also be pointed out that in the Geary matter the studies and the
21 statistical data for the new plan were used wherever available
22 to measure the impact of the Geary request. These included maps
23 on wildlife, natural hazards, highways, historical areas, and
24 others. The SP-1 zoning was requested because it was the most
25 similar to RR Rural Residential which is proposed for the new
26 plan. Also we again point out that the Hearings Officer states
27 that his concerns arise from claims by the neighboring land
28 owners in this regard. No such concerns were expressed in the

1 Geary hearings. On the Hearings Officer's second concern -
2 conversion criteria - his statements on Pages 36 and 37 of his
3 full report explain this matter more fully. He states therein
4 either under the specific goals or under Goal No. 14 but -
5 "This does not mean that they must be separately addressed, but
6 all elements of each goal must be covered under one heading or
7 another." (Recommendation on Merits - Page 36, Lines 11, 12, and
8 13.). In the Geary matter the record shows that the items involv-
9 ed in the Zamsky reversal have been discussed under the individual
10 goal headings, therefore addressing L. C. D. C. Goal No. 14.

11 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

25 5. The proposed change of zone is in keeping with land
26 uses and improvements, trends in land development in the
27 affected area.

28 NOW, THEREFORE, it is hereby ordered that the applica-
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1 ion for Comprehensive Land Use Plan change from Forestry to
 2 Residential Recreation and a zone change from AF (Agricultural
 3 Forestry) to SP-1 (Rural Residential) for Martha D. Smith/Geary
 4 Brothers on the subject property is hereby granted.

5 DONE AND DATED THIS 31st DAY OF August, 1984

6
 7 Ross Kuonen
 8 Chairman

9
 10 [Signature]
 11 Commissioner

12 [Signature]
 13 Commissioner

14
 15
 16
 17
 18 STATE OF OREGON; COUNTY OF KLAMATH; ss.

19 Filed for record as requested

20 this 9th day of Sept. A.D. 19 81 at 12 o'clock P.M., and
 21 duly recorded in Vol. M-81, of Comm. Journal on Page 15951

22 EVELYN BIEHN, County Clerk

23 By [Signature] Deputy

24 No FEE

25 APPROVED AS TO FORM:
 26 Boivin & Boivin

27 By [Signature]