

## KLAMATH COUNTY, OREGON

IN THE MATTER OF THE COMPREHENSIVE)  
LAND USE PLAN AND ZONE CHANGE NO. )  
81-12 FOR KEITH LEAVITT AND TREVOR)  
RUSSELL, APPLICANTS )

O R D E R

THIS request was for a Comprehensive Land Use Plan change from Forestry to Residential Recreation and a zone change from F (Forestry) to SP-1 (Rural Residential). A hearing on the matter was held before the Klamath County Planning Commission on May 26, 1981. Oral testimony was presented by the property owners and by the Planning Department Staff. Written testimony was provided by the Mid-State Electric Co-operative, the Department of Environmental Quality, and the Department of Fish and Wildlife. Based on the testimony and exhibits submitted at the hearing, the Planning Commission recommended approval of the request, with the condition that any lots to be created would be approximately ten acres in size rather than the five-acre parcels originally proposed. The Klamath County Board of Commissioners heard this request on July 9, 1981, and voted to approve it based on the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1. The Board of County Commissioners finds that the property is "L" shaped, consists of approximately 123 acres, and has a moderate to dense cover of timber.

2. The Board of County Commissioners finds that the property is at the northern end of Klamath County, in an area where the prevailing uses are a mixture of forestry, residential

1 and recreational uses. Immediately to the north is the Wagon  
2 Trail Ranch development consisting of lots five acres and larger.  
3 River Pine Estates and Doreen Meadows Subdivisions are to the  
4 south along with land partitioned into five to twenty-acre parcels.  
5 Forestry land managed by the Bureau of Land Management is to the  
6 east while to the west are the meadows bordering the Little  
7 Deschutes River, therefore addressing L. C. D. C. Goal No. 2.

8 3. The Board of County Commissioners finds that the  
9 access to the property is via public roads and private easements  
10 connecting with Highway No. 97. The property is within the River  
11 Pine Special Road District which would provide the necessary  
12 road maintenance, therefore addressing L. C. D. C. Goal No. 12.

13 4. The Board of County Commissioners finds that according  
14 to a letter from the Oregon Department of Fish and Wildlife this  
15 property is part of a mule deer migration corridor. The letter  
16 points out that the density of subdivisions in the area has  
17 become a matter of concern and that a study is being undertaken  
18 to assess the impacts of developments on deer migration. The  
19 letter further stated that a minimum lot size of ten acres would  
20 be appropriate in this area. After discussion with the Planning  
21 Commission, the applicant agreed to modify his plat to ten-acre  
22 lots in order to meet the wildlife concern, therefore addressing  
23 L. C. D. C. Goal No. 5.

24 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP  
25 CHANGE:

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

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

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

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

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

16           FINDINGS OF FACT FOR ZONE CHANGE:

17           1. The Board of County Commissioners finds that the  
18 property is "L" shaped, consists of approximately 123 acres,  
19 and has a moderate to dense cover of timber.

20           2. The Board of County Commissioners finds that the  
21 property is at the northern end of Klamath County, in an area  
22 where the prevailing uses are a mixture of forestry, residential  
23 and recreational uses. Immediately to the north is the Wagon  
24 Trail Ranch development consisting of lots five acres and  
25 larger. River Pine Estates and Doreen Meadows Subdivisions are  
26 to the south along with land partitioned into five to twenty-acre  
27 parcels. Forestry land managed by the Bureau of Land Management  
28 is to the east while to the west are the meadows bordering the  
CLUP & ZC 81-12

1 Little Deschutes River, therefore addressing L. C. D. C. Goal No.  
2 2.

3 3. The Board of County Commissioners finds that the  
4 access to the property is via public roads and private easements  
5 connecting with Highway No. 97. The property is within the River  
6 Pine Special Road District which would provide the necessary road  
7 maintenance, therefore addressing L. C. D. C. Goal No. 12.

8 4. The Board of County Commissioners finds that according  
9 to a letter from the Oregon Department of Fish and Wildlife this  
10 property is part of a mule deer migration corridor. The letter  
11 points out that the density of subdivisions in the area has  
12 become a matter of concern and that a study is being undertaken  
13 to assess the impacts of developments on deer migration. The  
14 letter further stated that a minimum lot size of ten acres would  
15 be appropriate in this area. After discussion with the Planning  
16 Commission, the applicant agreed to modify his plat to ten-acre  
17 lots in order to meet the wildlife concern, therefore addressing  
18 L. C. D. C. Goal No. 5.

19 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

27 3. The proposed change of zone will have no adverse  
28 effect or only limited adverse effect on any property or the

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permitted uses thereof within the affected area.

4. 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.

5. 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.

The Board of County Commissioners of Klamath County, Oregon, hereby orders that the property described as the S $\frac{1}{2}$  and the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 12, Township 23, Range 9, being Tax Lot 4100, be granted a Comprehensive Land Use Plan change from Forestry to Residential Recreation and a zone change from F (Forestry) to SP-1 (Rural Residential).

DONE AND DATED THIS 16th DAY OF September, 1981.

Ree Kuonen  
Chairman

Commissioner

Thomas A. Hogue  
Commissioner  
(STATE OF OREGON,  
County of Klamath )  
Filed for record at request of

APPROVED AS TO FORM:  
BOIVIN & BOIVIN

BY Robert D. Brown

CLUP & ZC 81-12  
Page -5-

on this 17th day of Sept. A.D. 19 81  
at 9:36 o'clock P. M, and duly  
recorded in Vol. M-81 of Comm. Journal  
page 16494

EVELYN BIEHN, County Clerk

By \_\_\_\_\_ Deputy  
no fee