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BOARD OF COUNTY COMMISSIONERS

Vol. 11 Page 2812

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 3-82)
BY ROSS CARIAGA, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the application of Ross Cariaga for a Comprehensive Land Use Plan change from Transistional to Rural Residential and a zone change from TZ (Transitional Zone) to R (Rural), by the Klamath County Planning Commission, on real property described as Section 12, Township 38, Range 8, Tax Lots 1200 and 501. Public hearings having been heard by the Klamath County Planning Commission on Janaury 26, 1982, 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 February 22, 1982, 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.

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1 1. The Board of County Commissioners finds that the
2 applicant's name to be Ross Cariaga.

3 2. The Board of County Commissioners finds that the
4 location of the site is approximately 3/4 mile west of Highway
5 No. 97 and also abutts Upper Klamath Lake approximately 500 feet
6 north of Sunset Beach Subdivision. It is located within Township
7 38, Range 8, Section 12, Tax Lots 1200 and 501.

8 3. The Board of County Commissioners finds that the size
9 and shape of the property is irregular in shape and is made up of
10 approximately 29.7 acres.

11 4. The Board of County Commissioners finds that the
12 present zoning is TZ (Transitional Zone) and partitioning is not
13 allowed with the TZ (Transitional Zone).

14 5. The Board of County Commissioners finds that the
15 applicant's proposed use would be to partition the 29.7 acres
16 into one twelve-acre parcel and one 17.7-acre parcel. The change
17 in Comprehensive Land Use Plan and zone would allow an additional
18 residence when partition is approved.

19 6. The Board of County Commissioners finds that the access
20 and adequacy of access would serve the anticipated traffic
21 volumes under the testimony of Mr. Cariaga.

22 7. The Board of County Commissioners finds that the effect
23 of the proposed change would have on any surrounding properties
24 would be minimal as the size of the lots in the surrounding area
25 are of the approximate same size.

26 8. The Board of County Commissioners finds that Applicant's
27 Exhibit No. 1, the proposed partition map, indicating Parcels A
28 and B would be how the 29 acres would be split.
CLUP & ZC 3-82
Page -2-

1 9. The Board of County Commissioners finds that Mr. Charles
2 Ehlers testified against this proposed partitioning and that he
3 is an adjacent landowner.

4 10. The Board of County Commissioners finds that Policy 1
5 of Goal 1 states the County shall provide for continued citizen
6 involvement and this Department has notified the North Suburban
7 Area Committee. Planning Department has also sent notification
8 to the Herald and News and also notified the adjoining property
9 owners within 250 feet as required by Ordinance, therefore
10 addressing Policies and L. C. D. C. Goal No. 1, Citizen Involvement.
11

12 11. The Board of County Commissioners finds that Policy
13 6 of Goal 2 states zoning shall be consistent with the Land Use
14 Allocation Chart and the Land Use Map. The request is for change
15 in land use from Transitional to Rural Residential and a zone
16 change to R (Rural) which would be consistent, and that Klamath
17 County has adopted a land use process and policy framework for a
18 basis for all decisions to be made, therefore addressing Policies
19 and L. C. D. C. Goal No. 2.

20 12. The Board of County Commissioners finds that Mr.
21 Charles Ehlers' testimony appeared to be against the partitioning
22 of this property and that the Board of Commissioners' findings
23 are based on the Comprehensive Land Use Plan and zone change
24 request. This request of change in Comprehensive Land Use Plan
25 and zone does not approve a partitioning of the land. Applicant
26 must apply for such application before any splitting of the
27 parcel can occur.

28 13. The Board of County Commissioners finds that Policy
CLUP & ZC 3-82
Page -3-

1 3 of Goal 3 states urban and rural development shall be directed
2 onto SCS Class V through VIII soils. The site for change is of
3 Class VII soils which meets this policy and that L. C. D. C.
4 Goal No. 3 does not pertain, therefore addressing Policies and
5 L. C. D. C. Goal No. 3.

6 14. The Board of County Commissioners finds site for
7 change has no timber site productivity, therefore there are no
8 policies in Goal 4 that are relevant to this proposal and that
9 site for change is not in an area that falls into the definition
10 of forestry use, therefore addressing Policies and L. C. D. C.
11 Goal No. 4.

12 15. The Board of County Commissioners finds that in
13 reviewing the policies of Goal No. 5, there appeared to be no
14 policies that were relevant to this proposed change as well as
15 L. C. D. C. Goal No. 5, therefore addressing Policies and L. C.
16 D. C. Goal No. 5.

17 16. The Board of County Commissioners finds that site
18 for change will have water by well and septic use will be by
19 septic tank and approved by the Department of Environmental
20 Quality, therefore addressing Policies and Goal No. 6.

21 17. The Board of County Commissioners finds that the site
22 is in a medium fire hazard area, and site has been annexed into
23 Fire District No. 1. A new fire station is going in at Wocus,
24 therefore addressing Policies and L. C. D. C. Goal No. 7.

25 18. The Board of County Commissioners finds that Policy 4
26 of Goal 10 states the County shall permit development of Rural
27 land for Rural Residential use on suitable lot sizes, and the
28 designated lot sizes are 17.7 acres and 12 acres each, and change

1 would allow housing in an area where there are other homes in an
2 area that land appears suitable for, therefore addressing Policies
3 and L. C. D. C. Goal No. 10.

4 19. The Board of County Commissioners finds that the site
5 for change does have electricity from Pacific Power and Light and
6 is within the Klamath Falls School District. Site will also be
7 provided telephone facilities by Pacific Northwest Bell, and is
8 in a fire district, therefore addressing Policies and L. C. D. C.
9 Goal No. 11.

10 20. The Board of County Commissioners finds the site for
11 change has access off of a twenty-foot graveled road which
12 connects to Highway No. 97. Site is approximately 3/4 to one
13 mile north and west of Highway No. 97. Existing road, per
14 testimony from applicant, appears to be able to carry any
15 additional traffic that would be generated by change, therefore
16 addressing L. C. D. C. Goal No. 12.

17 21. The Board of County Commissioners finds that the site
18 for change lies approximately two miles northwest of the City of
19 Klamath Falls which has centers of employment, goods and services
20 to others, therefore addressing Policies and L. C. D. C. Goal No.
21 13.

22 22. The Board of County Commissioners finds in reviewing
23 the policies of Goal 14, the policies appear not to be relevant
24 to this proposal. The site however is outside the established
25 area known as the Urban Growth Boundary. It is approximately
26 one mile outside the Urban Growth Boundary, therefore addressing
27 L. C. D. C. Goal No. 14.

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

3 1. The Board of County Commissioners concludes that this
4 change in Comprehensive Land Use Plan permits orderly and bene-
5 ficial development, while protecting the character of neighbor-
6 hoods and communities, and the social and economic stability of
7 the County.

8 2. The Board of County Commissioners concludes that this
9 change in Comprehensive Land Use Plan supports the protection and
10 preservation of the County's space and recreational resources
11 while providing for appropriate development.

12 3. The Board of County Commissioners concludes that this
13 change in Comprehensive Land Use Plan will further the goals and
14 policies of the Klamath County Comprehensive Plan.

15 FINDINGS OF FACT FOR ZONE CHANGE:

16 1. The Board of County Commissioners finds that the
17 applicant's name to be Ross Cariaga.

18 2. The Board of County Commissioners finds that the
19 location of the site is approximately 3/4 mile west of Highway
20 No. 97 and also abutts Upper Klamath Lake approximately 500 feet
21 north of Sunset Beach Subdivision. It is located within Township
22 38, Range 8, Section 12, Tax Lots 1200 and 501.

23 3. The Board of County Commissioners finds that the size
24 and shape of the property is irregular in shape and it made up of
25 approximately 29.7 acres.

26 4. The Board of County Commissioners finds that the
27 present zoning is TZ (Transitional Zone) and partitioning is not
28 allowed in the TZ (Transitional Zone).

1 5. The Board of County Commissioners finds that the
2 applicant's proposed use would be to partition the 29.7 acres
3 into one twelve-acre parcel and one 17.7-acre parcel. The change
4 in Comprehensive Land Use Plan and zone would allow an additional
5 residence when partition is approved.

6 6. The Board of County Commissioners finds that the access
7 and adequacy of access would serve the anticipated traffic
8 volumes under the testimony of Mr. Cariaga.

9 7. The Board of County Commissioners finds that the effect
10 of the proposed change would have on any surrounding properties
11 would be minimal as the size of the lots in the surrounding area
12 are of the approximately same size.

13 8. The Board of County Commissioners finds that Applicant's
14 Exhibit No. 1, the proposed partition map, indicating Parcels A
15 and B would be how the 29 acres would be split.

16 9. The Board of County Commissioners finds that Mr. Charles
17 Ehlers testified against this proposed partitioning and that he
18 is an adjacent landowner.

19 10. The Board of County Commissioners finds that Policy 1
20 of Goal 1 states the County shall provide for continued citizen
21 involvement and this Department has notified the North Suburban
22 Area Committee. Planning Department has also sent notification
23 to the Herald and News and also notified the adjoining property
24 owners within 250 feet as required by Ordinance, therefore
25 addressing Policies and L. C. D. C. Goal No. 1, Citizen Involvement.
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27 11. The Board of County Commissioners finds that Policy
28 6 of Goal 2 states zoning shall be consistent with the Land Use
CLUP & ZC 3-82
Page -7-

1 Allocation Chart and Land Use Map. The request is for change
2 in land use from Transitional to Rural Residential and a zone
3 change to R (Rural) which would be consistent, and that Klamath
4 County has adopted a land use process and policy framework for a
5 basis for all decisions to be made, therefore addressing Policies
6 and L. C. D. C. Goal No. 2.

7
8 12. The Board of County Commissioners finds that Mr.
9 Charles Ehlers' testimony appeared to be against the partitioning
10 of this property and that the Board of Commissioners' findings
11 are based on the Comprehensive Land Use Plan and zone change
12 request. This request of change in Comprehensive Land Use Plan
13 and zone does not approve a partitioning of the land. Applicant
14 must apply for such application before any splitting of the
15 parcel can occur.

16 13. The Board of County Commissioners finds that Policy
17 3 of Goal 3 states urban and rural development shall be directed
18 onto SCS Class V through VIII soils. The site for change is of
19 Class VII soils which meets this policy and that L. C. D. C.
20 Goal No. 3.

21 14. The Board of County Commissioners finds that site
22 for change has no timber site productivity, therefore there are
23 no policies in Goal 4 that are relevant to this proposal and that
24 site for change is not in an area that falls into the definition
25 of forestry use, therefore addressing Policies and L. C. D. C.
26 Goal No. 4.

27 15. The Board of County Commissioners finds that in
28 reviewing the policies of Goal No. 5, there appeared to be no
policies that were relevant to this proposed change as well as
CLUP & ZC 3-82
Page -8-

1 L. C. D. C. Goal No. 5, therefore addressing Policies and L. C.
2 D. C. Goal No. 5.

3 16. The Board of County Commissioners finds that site
4 for change will have water by well and septic use will be by
5 septic tank and approved by the Department of Environmental
6 Quality, therefore addressing Policies and Goal No. 6.

7 17. The Board of County Commissioners finds that the site
8 is in a medium fire hazard area, and site has been annexed into
9 Fire District No. 1. A new fire station is going in at Wocus,
10 therefore addressing Policies and L. C. D. C. Goal No. 7.

11 18. The Board of County Commissioners finds that Policy 4
12 of Goal 10 states the County shall permit development of Rural
13 land for Rural Residential use on suitable lot sizes, and the
14 designated lot sizes are 17.7 acres and 12 acres each, and change
15 would allow housing in an area where there are other homes in an
16 area that land appears suitable for, therefore addressing Policies
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18 19. The Board of County Commissioners finds that the site
19 for change does have electricity from Pacific Power and Light and
20 is within the Klamath Falls School District. Site will also be
21 provided telephone facilities by Pacific Northwest Bell, and is
22 in a fire district, therefore addressing Policies and L. C. D. C.
23 Goal No. 11.

24 20. The Board of County Commissioners finds the site for
25 change has access off of a twenty-foot graveled road which
26 connects to Highway No. 97. Site is approximately 3/4 to one
27 mile north and west of Highway No. 97. Existing road, per
28 testimony from applicant, appears to be able to carry any

1 additional traffic that would be generated by change, therefore
2 addressing L. C. D. C. Goal No. 12.

3 21. The Board of County Commissioners finds that the site
4 for change lies approximately two miles northwest of the City of
5 Klamath Falls which has centers of employment, goods and services
6 to others, therefore addressing Policies and L. C. D. C. Goal
7 No. 13.

8 22. The Board of County Commissioners finds in reviewing
9 the policies of Goal 14, the policies appear not to be relevant
10 to this proposal. The site however is outside the established
11 area known as the Urban Growth Boundary. It is approximately
12 one mile outside the Urban Growth Boundary, therefore addressing
13 L. C. D. C. Goal No. 14.

14 CONCLUSIONS OF LAW FOR ZONE CHANGE:

15 1. The Board of County Commissioners concludes that this
16 change in zone permits orderly and beneficial development, while
17 protecting the character of neighborhoods and communities, and
18 the social and economic stability of the County.

19 2. The Board of County Commissioners concludes that this
20 change in zone supports the protection and preservation of the
21 County's space and recreational resources while providing for
22 appropriate development.

23 3. The Board of County Commissioners concludes that this
24 change in zone will further the goals and policies of the Klamath
25 County Comprehensive Plan.

26 NOW, THEREFORE, it is hereby ordered that the application
27 for the Comprehensive Land Use Plan change from Transitional to
28 Rural Residential and zone change from TZ (Transitional Zone) to
CLUP & ZC 3-82
Page -10-

1 R (Rural) for Ross Cariaga on the subject property, is hereby
 2 granted.

3
 4 DONE AND DATED THIS 4th DAY OF March, 1982.

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 6
 7 Raymond L. Hyman
 8 Chairman

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 10 David C. Payne
 11 Commissioner

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Commissioner's Journal

APPROVED AS TO FORM:
 Boivin and Boivin

BY Robert Boivin

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of

this 5 day of March A. D. 1982 at 2:38 o'clock P M., and

duly recorded in Vol. M 82, of Deeds on Page 2812

CLUP & ZC 3-82
 Page -11-

No Fee

EV/LYN BIEHN, County Clerk

By John McArthur