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BEFORE THE BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

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In the Matter of the)
Application for Comprehensive)
Land Use Plan and Zone Change)
No. 9-82 for D.T. Matthews)

O R D E R

This matter having come on for hearing upon the application of D.T. Matthews for a Comprehensive Land Use Plan change from Forestry and Transitional to Rural and a zone change from F-I and TZ to R on real property described as Tax Lots 500 and 803 in Section 12, Tax Lots 100, 202, 204 and 101 in Section 13 all in Township 38, Range 8.

Public hearing having been heard by the Klamath County Planning Commission on March 30, 1982 wherefrom the testimony and information produced at the hearing by the Applicant, Planning Staff and others in attendance. The Planning Commission recommended approval. Following action by the Planning Commission, a public hearing before the Board of Commissioners was held on May 10, 1982, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete at the hearing before the Planning Commission and that the application should be granted.

The Board of Commissioners makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT COMPREHENSIVE LAND USE PLAN AND ZONE CHANGE:

1. The Board of County Commissioners finds that the applicant's name to be D.T. Matthews.

1 2. The Board of County Commissioners finds that the
2 location of the site is located west of Wocust and Highway 97.

3 3. The Board of County Commissioners finds that the size
4 of the property is approximately 264.4 acres and is irregular in
5 shape.

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

9 5. 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 approximate same size.

13 6. The Board of County Commissioners finds that Policy 1
14 of Goal 1 states the County shall provide for continued citizen
15 involvement and this Department has notified the North Suburban
16 Area Committee. Planning Department has also sent notification to
17 the Herald and News and also notified the adjoining property
18 owners within 250 feet as required by Ordinance, therefore
19 addressing Policies and LCDC Goal No. 1, Citizen Involvement.

20 7. Allocation Chart and Land Use Map. The request is for
21 change in land use from Transitional to Rural Residential and a
22 zone change to R (Rural) which would be consistent, and that
23 Klamath County has adopted a land use process and policy frame-
24 work for a basis for all decisions to be made, therefore
25 addressing Policies and LCDC Goal No. 2.

26 8. The Board of County Commissioners finds that Policy 3
27 of Goal 3 states rural development shall be directed onto SCS

1 Class V through VIII soils. The site for change is of
2 predominantly Class VII soils which meets policy 3 of Goal No. 3.

3 9. The Board of County Commissioners finds that site for
4 change has a timber site productivity rating of 5, which means
5 potential yield, under management, could be 50-85 cubic feet per
6 acre per year. This type of yield appears below average. This
7 site for change is not under any forestry management.

8 10. The Board of County Commissioners finds that in
9 reviewing the policies of Goal No. 5, there appeared to be no
10 policies that were relevant to this proposed change as well as
11 LCDC Goal 5, therefore addressing policies and Goal 5.

12 11. The Board of County Commissioners finds that site for
13 change will have water by well and septic use will be by septic
14 tank and approved by the Department of Environmental Quality,
15 therefore addressing Policies and Goal No. 6.

16 12. The Board of County Commissioners finds that the site
17 is in Fire District No. 1 and a new fire station is in at Wocus,
18 therefore addressing Policies and LCDC Goal No. 7.

19 13. The Board of County Commissioners finds that Policy 4
20 of Goal 10 states the County shall permit development of Rural
21 land for Rural Residential use on suitable lot sizes, and the
22 designated lot size by zone would be a five-acre minimum. This
23 change would allow housing in an area where there are other homes
24 in an area that land appears suitable for.

25 14. The Board of County Commissioners finds that the site
26 for change does have electricity from Pacific Power and Light and
27 is within the Klamath Falls School District. Site will also be

1 provided telephone facilities by Pacific Northwest Bell, and is
2 in a fire district, therefore addressing Policies and LCDC Goal
3 No. 11.

4 15. The Board of County Commissioners finds the site for
5 change has access off of an easement which connects to Sunset
6 Beach Road which connects to Lakeport Boulevard and then connects
7 to Highway 97. Existing road, per testimony from applicant,
8 appears to be able to carry any additional traffic that would be
9 generated by change, therefore addressing LCDC Goal No. 12.

10 16. The Board of County Commissioners finds that the site
11 for change lies approximately one mile northwest of the City of
12 Klamath Falls which has centers of employment, goods and services
13 to others, therefore addressing Policies and LCDC Goal No. 13.

14 17. The Board of County Commissioners finds in reviewing
15 the policies of Goal 14, the policies appear not to be relevant
16 to this proposal. The site however is outside the established area
17 known as the Urban Growth Boundary. It is approximately one mile
18 outside the Urban Growth Boundary, therefore addressing LCDC
19 Goal No. 14.

20 CONCLUSIONS OF LAW FOR ZONE CHANGE:

21 1. The Board of County Commissioners concludes that this
22 change in zone permits orderly and beneficial development, while
23 protecting the character of neighborhoods and communities, and
24 the social and economic stability of the County.

25 2. The Board of County Commissioners concludes that this
26 change in zone supports the protection and preservation of the
27 County's space and recreational resources while providing for

1 appropriate development.

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

5 NOW, THEREFORE, it is hereby ordered that the application
6 for the Comprehensive Land Use Plan change from Forestry and
7 Transitional to Rural Residential and a zone change from F-I and
8 TZ to R (Rural) for D.T. Matthews is hereby granted.

9 Done and Dated this 9th Day of September, 1982.

10 Floyd L. Wynne
11 Commissioner: Floyd Wynne

12 Nell Kuonen
13 Commissioner Nell Kuonen

14 Alvin A. Cheyne
15 Commissioner Alvin Cheyne

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20 APPROVED AS TO FORM
BOIVIN AND BOIVIN

21 Robert D. Boivin

22 STATE OF OREGON; COUNTY OF KLAMATH; ss.

23 and for record .

24 s 14 day of Sept A. D. 19 82 at 11:30 o'clock A. M., and
25 duly recorded in Vol. MB2, of Deeds on Page 12215

26 No Fee

27 By Evelyn Bienn County Clerk

28 CLUP & ZC No. 9-82 COMMISSIONERS JOURNAL
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