

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 20-82)
FOR ED SHIPSEY)

O R D E R

THIS MATTER having come on for hearing upon the application of Ed Shipsey for a Comprehensive Land Use Plan change from Transitional to Rural Residential and a zone change from TZ (Transitional Zone) to RR (Rural Residential), by the Klamath County Planning Commission, on real property described as being Section 20, Township 40, Range 8, Tax Lot 7400. Public hearings having been heard by the Klamath County Planning Commission on August 24, 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 October 4, and November 8, 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 hearing before the Board of County Commissioners on November 8, 1982, was for decision only.

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

FINDINGS OF FACT:

1 1. The Board of County Commissioners find that the
2 applicant's name is Ed Shipsey.

3 2. The Board of County Commissioners find that the
4 location of the site is approximately 3 1/2 miles southeast of
5 Keno, Oregon, and also located inside Cedar Trails Subdivision.

6 3. The Board of County Commissioners find that the size
7 and shape of the property is rectangular in shape and is made up
8 of approximately 20.5 acres.

9 4. The Board of County Commissioners find that the
10 present zoning is TZ (Transitional Zone) and subdividing is not
11 allowed with the TZ (Transitional Zone).

12 5. The Board of County Commissioners find that the
13 applicant's proposed use would be to subdivide the 20.5 acres into
14 approximately 18 lots with lots being one acre a piece.

15 6. The Board of County Commissioners find that the access
16 and adequacy of access would serve the anticipated traffic
17 volumes as provided by testimony.

18 7. The Board of County Commissioners find that the effect
19 of the proposed change would have on any surrounding properties
20 would be minimal as the size of the lots in the surrounding area
21 are of the approximate same size, as well as being surrounded by
22 another subdivision, known as Cedar Trails Subdivision.

23 8. The Board of County Commissioners find that Applicant's
24 Exhibit No. 7, the proposed plat map, indicated how the 20.5
25 acres would be split.

26 9. The Board of County Commissioners found that people in
27 the area testified against this proposal.

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

8 11. The Board of County Commissioners find that Policy
9 6 of Goal 2 states zoning shall be consistent with the Land Use
10 Allocation Chart and the Land Use Map. The request is for
11 change in land use from Transitional to Rural Residential and a
12 zone change to RR (Rural Residential), which would be consistent,
13 and that Klamath County has adopted a land use process and policy
14 framework for a basis for all decisions to be made, therefore
15 addressing Policies and L.C.D.C. Goal No. 2.

16 12. The Board of County Commissioners find that Policy 3
17 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. Goal
20 No. 3 does not pertain, therefore addressing Policies and L.C.D.C.
21 Goal No. 3.

22 13. The Board of County Commissioners find site for change
23 has no timber site productivity, therefore, there are no policies
24 in Goal 4 that are relevant to this proposal and that site for
25 change is not in an area that falls into the definition of
26 forestry use, therefore addressing Policies and L.C.D.C. Goal No.
27 4.

1 14. The Board of County Commissioners find that in
2 reviewing the policies of Goal No. 5, there appeared to be no
3 policies that were relevant to this proposed change as well as
4 L.C.D.C. Goal No. 5, therefore addressing Policies and L.C.D.C.
5 Goal No. 5.

6 15. The Board of County Commissioners find that site for
7 change will have water by well and septic use will be by septic
8 tank and approved by the Department of Environmental Quality,
9 therefore addressing Policies and L.C.D.C. Goal No. 6.

10 16. The Board of County Commissioners find that the site
11 is in a medium fire hazard area, and site would be served by
12 Keno Fire District, therefore addressing Policies and L.C.D.C.
13 Goal No. 7.

14 17. The Board of County Commissioners find that Policy 4
15 of Goal 10 states the County shall permit development of Rural
16 land for Rural Residential use on suitable lot sizes, and the
17 designated lot sizes are approximately 1 acre in size each, and
18 change would allow housing in an area where there are no other
19 homes in an area that land appears suitable for, therefore
20 addressing Policies and L.C.D.C. Goal No. 10.

21 18. The Board of County Commissioners find that the site
22 for change does have electricity from Pacific Power and Light and
23 is within the Keno and Henley School Districts. Site will also
24 be provided telephone facilities by Pacific Northwest Bell, and
25 is in a fire district, therefore addressing Policies and L.C.D.C.
26 Goal No. 11.

27 19. The Board of County Commissioners find the site for

1 change has access off of Overland Drive, a public road which
2 connects to the Keno-Worden Road, a paved County road. Testimony
3 from hearing, the road appears to be able to carry any additional
4 traffic that would be generated by change, therefore addressing
5 L.C.D.C. Goal No. 12.

6 20. The Board of County Commissioners find that the site
7 for change lies approximately 3.5 miles from Keno, Oregon, where
8 limited goods and services and employment are available, therefore
9 addressing Policies and L.C.D.C. Goal No. 13.

10 21. The Board of County Commissioners find in reviewing
11 the policies of Goal 14, that the policies appear not to be
12 relevant to this proposal. The site, however, is approximately
13 two miles outside the established area known as the Rural
14 Community Boundary of Keno, therefore addressing L.C.D.C. Goal
15 No. 14.

16 CONCLUSIONS OF LAW:

17 1. The Board of County Commissioners conclude that this
18 change in Comprehensive Land Use Plan and zone permits orderly
19 and beneficial development, while protecting the character of
20 neighborhoods and communities, and the social and economic
21 stability of the County.

22 2. The Board of County Commissioners conclude that this
23 change in Comprehensive Land Use Plan and zone supports the
24 protection and preservation of the County's space and recreational
25 resources while providing for appropriate development.

26 3. The Board of County Commissioners conclude that this
27 change in Comprehensive Land Use Plan and zone will further the

1 goals and policies of the Klamath County Comprehensive Plan.

2 NOW, THEREFORE, it is hereby ordered that the application
3 for the Comprehensive Land Use Plan change from Transitional to
4 Rural Residential and zone change from TZ (Transitional Zone) to
5 RR (Rural Residential) for Ed Shipsey on the subject property,
6 is hereby granted.

7
8 DONE AND DATED THIS 29th DAY OF November, 1982.

9
10
11 Alvin C. Cheyne
12 Commissioner Alvin Cheyne

13
14 Floyd L. Wynne
15 Commissioner Floyd Wynne

16
17 Nell Kuonen
18 Commissioner Nell Kuonen

19
20 APPROVED AS TO FORM:
21 Boivin and Boivin

22
23 By Robert Boivin

24 STATE OF OREGON; COUNTY OF KLAMATH; ss.

25 filed for record

26 this 2 day of Dec. A.D. 19 82 at 10:01 o'clock A.M.
27 duly recorded in Vol. M82, of deeds on page 16787

28 Fee \$none

COMMISSIONERS JOURNAL

By Jayne M. Shuman
EVELYN B. SHUMAN, County Clerk