

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

1) The applicant, KLAMATH FIRST FEDERAL SAVINGS AND LOAN, is now the owner of the subject property, having come into possession of the property through a security interest on the property. The property is generally located on the south side of Hill Road, approximately ½ mile east of Reeder Road. It consists of Tax Lots 400 and 500, located in the

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1 NE $\frac{1}{4}$, NW $\frac{1}{4}$ and the NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 32, Township 39, Range 10,
2 Klamath County, Oregon. The Tax Account No. is 3910-3200-400&500.

3 2. The property has a plan designation of Non-Resource
4 which the applicant is requesting to be changed to Rural and
5 a current zone designation of Non-Resource which the applicant
6 is requesting be changed to Rural-1. Adjacent and/or surrounding
7 zoning is Non-Resource, IH, EFU-C.

8 3. The property's dimensions are 800' x 1320' consist-
9 ing of approximately 26.4 acres, rectangular in shape. Vegetation
10 consists of trees and pasture with lawn on the lower part and
11 sagebrush on the upper part. The topography consists of a
12 moderate to steep slope up to the south (the north end of Stukel
13 Mountain). General drainage consists of surface runoff
14 in a northerly direction. The SCS soil class is VI and
15 the timber site productivity rating is none on the north half,
16 and VII on the south half. Unique physical characteristics
17 of the surrounding land consists of Stukel Mountain to the
18 south, and Lost River to the north. Access to the property
19 is over Hill Road.

20 4. Public utilities serving the property are
21 the County School District-Henley, recreation is provided
22 by area parks and schools, sewer consists of existing septic
23 systems on the property and water is provided by well. The
24 property is served by Pacific Power and Light, Pacific Northwest
25 Bell and Klamath Basin Improvement District. The property is
26 served by County Fire District No. 1.

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1 5. No input was received by any advisory group or
2 any other agency.

3 6. This request for a C.L.U.P. and zone change is
4 in conjunction with an application to partition the property
5 into three (3) parcels. A house and three (3) rental mobile
6 homes are on the property. Klamath First Federal Savings and
7 Loan Association has obtained this land through foreclosure
8 and is seeking a zone change and C.L.U.P. in order to improve
9 its marketability. The area to the north and west is character-
10 ized by similar homesites and mini-farms. The land to the
11 east and south is part of Stukel Rock and Paving Company's
12 quarry and asphalt business. Due to the topography of the
13 property, it is impossible to use the property as an economically
14 viable agricultural production unit.

15 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

16 1. Klamath County Development Code Section 47.003
17 sets forth the general criteria for consideration in a zone
18 change:

19 A. The change of zone is in conformance with the
20 Comprehensive Plan, and all other provisions of the Land Devel-
21 opment Code;

22 B. The property affected by the change of zone
23 is adequate in size and shape to facilitate those uses that are
24 normally allowed in conjunction with such zoning;

25 C. The property affected by the proposed change
26 of zone is properly related to streets to adequately serve the

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1 the type of traffic generated by such uses that may be permitted
2 therein; and

3 D. The proposed change of zone will have no
4 adverse effect on the appropriate use and development of abutting
5 properties.

6 2. Klamath County Development Code, Section 47.001,
7 sets forth the general purpose of Article 47, "Change of Zone
8 Designation." The purpose of the zone change is to provide for
9 revisions in response to individual land owners' needs and
10 for zone changes required to maintain conformance with the
11 Klamath County Comprehensive Plan.

12 3. ORS 197.175(2)(c) requires that Klamath County,
13 before its Comprehensive Plan and Land Use Regulations have
14 been acknowledged by the Commission, make land use decisions
15 in compliance with the goals of LCDC.

16 4. Klamath County Development Code Section 48.003
17 sets forth that a proposed Change of Comprehensive Plan Desig-
18 nation shall be approved if the reviewing authority finds that:

19 A. The proposed change is in compliance with the
20 Statewide Planning Goals;

21 B. The proposed change is in conformance with all
22 policies of the Klamath County Comprehensive Plan; and,

23 C. The proposed change is supported by specific
24 studies or other factual information which documents the public
25 need for the change.

26 * * * * *

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

1. See Findings of Fact 1-8 as set forth above.
2. The proposed change in the Comprehensive Plan designation is in compliance with the Statewide Planning Goals.
3. The proposed change of the Comprehensive Plan designation is in conformance with all policies of the Klamath County Comprehensive Plan.
4. The proposed change in Comprehensive Plan designation is supported by specific studies or other factual information which documents the public need for the change.
5. The change of zone designation is in conformance with the Klamath County Comprehensive Plan designation as modified herein and all other provisions of the Klamath County Development Code.
6. The property affected by the zone change is adequate in size and shape to facilitate those uses as are normally allowed in conjunction with such zoning.
7. The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
8. The proposed change of zone will have no adverse effect upon the appropriate use and development of the abutting properties.

STATEWIDE PLANNING GOALS AND CRITERIA AND FINDINGS:

See Exhibit "AA" attached hereto and incorporated
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1 by this reference.

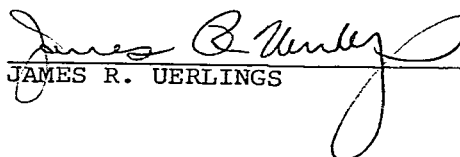
2 CONCLUSIONS OF LAW AND DECISION:

3 A. The C.L.U.P. and change of zone satisfy all
4 applicable Klamath County Development Code criteria and policies
5 governing such.

6 B. The C.L.U.P. and change of zone are in conformity
7 with the Klamath County Comprehensive Land Use Plan as
8 amended and the Statewide goals and statutes.

9 THEREFORE, it is hereby ordered that the C.L.U.P.
10 and the zone change are granted and the Plan Designation is
11 changed to Rural and the zone designation is changed to R-1.

12 DATED this 30 day of April, 1984.

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16 JAMES R. UERLINGS
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COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

7210

GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

A public hearing on this matter has been set for April 19, 1984. Notice has been sent to neighboring property owners, concerned public agencies and the Henley Area Committee and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☐ Complies ☐ Does not comply
☒ Complies with conditions
☐ Not applicable

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

Relevant Policies:

6. "Zoning shall be consistent with the land use plan map."

State Goal Issues:

Currently, the north slope of Stukel Mountain is designated as non-resource, meaning it has no value for farm, forestry, or wildlife uses.

The applicant must show that the conversion to a residential zone meets the criteria of Sections 47.003 and 48.003 of the Land Development Code.

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

GOAL NO. 3 - Agricultural Lands

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

7211

Relevant Policies:

3. "Urban and rural development shall be directed onto designated non-resource lands consistent with the other policies of the Plan."

State Goal Issues:

About 1/3 of the property is irrigated and used for pasture. The small size of the property; steep slopes; shallow, rocky soils and the presence of four homesites make the agricultural use or potential very low.

GOAL NO. 4 - Forest Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The soils on the north side of Stukel Mountain are not rated for timber production nor are they identified as critical wildlife habitat or as being necessary for watershed or soil protection.

GOAL NO. 5 - Open Space, Scenic and Historical Areas, and Natural Resources

7212

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources on or adjacent to the property involved.

GOAL NO. 6 - Air Water and Land Resource Quality

- ☐ Complies ☐ Does not Comply
☒ Complies with Conditions
☐ Not applicable

Relevant Policies:

2. "All solid waste discharge will be disposed of in accordance with the County Solid Waste Management Plan."
4. "Urban and rural residential use shall be designated only when approved sewage disposal alternatives have been identified."

State Goal Issues:

The property is within the Klamath Disposal Company's solid waste collection franchise area, served by the County landfill on Old Fort Road.

There are four septic systems on the property. The applicant does not propose to add new dwellings, but in any case, additional septic systems would require inspection and approval by the County Health Department.

GOAL NO. 7 - Natural Disaster and Hazards

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

7213

Relevant Policies:

1. "The County shall consider site constraints in evaluating land use in fire hazard areas."

State Goal Issues:

The area has a medium fire hazard rating. The occupied portion of the property is in grass with a few trees, presenting little fuel for the spread of fire. The property is in Fire District No. 1, with fire stations at Falcon Heights and on 6th Street.

GOAL NO. 8 - Recreation Needs

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

With no additions to the existing dwellings on the property, the need for or availability of recreational facilities would not be affected.

GOAL NO. 9 - County Economy

7214

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The zone change would provide some economic benefits by allowing for future division and sale of the individual homesites. No long-term effects on the local economy or employment are evident.

GOAL NO. 10 - Housing

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

1. "Residential property shall be zoned to allow the full range of housing types and densities of the Comprehensive Plan."
4. "The County shall permit development of rural land for rural residential use on suitable lot sizes."

State Goal Issues:

The zone change and accompanying partition would create rural residential parcels which would be owner-occupied rather than rented.

GOAL NO. 11 - Public Facilities and Service

7215

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

12. "Development proposals shall not be approved unless the types and levels of public facilities and services required are available..."

State Goal Issues:

Electrical and telephone services are available. The property is within a fire protection district. The level of services is adequate for the proposed rural homesites.

GOAL NO. 12 - Transportation

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

The property fronts on a paved county road, with an existing gravel driveway to each homesite.

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GOAL NO. 13 - Energy Conservation

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

7216

Relevant Policies:

State Goal Issues:

With no added development proposed, energy use or conservation would not be affected.

GOAL NO. 14 - Urbanization

- ☐ Complies ☐ Does not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

The property is outside of any urban or urbanizing area.

Return: Commissioners Journal

EXHIBIT "AA", Page 7.

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 1st day of May A.D., 19 84 at 9:39 o'clock A M., and duly recorded in Vol M84, of Deeds on page 7204.

EVELYN BIEHN, COUNTY CLERK

by: *Sam Smith*, Deputy

Fee: \$ None