

1 3. It should be noted that prior to February 29,
2 1984, this property was zoned R-1 allowing the type of use
3 which the applicant is now asking. However, the zone design-
4 nation was changed legislatively and the applicant, living
5 in southern California, was not able to adequately follow
6 the different developments in the zoning of the property.
7 She indicated that if she had been aware of the potential legis-
8 lative zone change, she would have appeared in opposition thereto.
9 She had checked on the zoning of the property during the last
10 year and was informed that the one (1) acre minimum was allow-
11 able. It was not until just a few weeks ago that she learned
12 of the February 29, 1984, change in the zone designation.

13 4. The property's physical dimensions and character-
14 istics are 660' x 330' approximately, consisting of five (5)
15 acres, rectangular in shape. Vegetation consists of jackpine
16 and brush, and the topography is level. General drainage
17 is by surface runoff, the SCS Soil Class is VI and the timber
18 productivity rating is V. The physical characteristics of the
19 surrounding lands indicates a second growth jackpine area.

20 5. It should be further noted that to the north
21 and east of the property there is similar subdividing of the land
22 into approximately one (1) acre lots. These lots have houses and
23 mobile homes on them. Diamond International does own the property
24 to the west; however, the potential impact of the five new lots
25 must be balanced against the fact that the forest tract in question is already
26 * * * * *

1 surrounded on three (3) sides by residential lots and intensive
2 management practices may already be curtailed due to the resi-
3 dential development. Additionally, Diamond has been notified
4 of this proposal and has not made comment. No existing
5 conflicts between the forest use and the current residential
6 use has been noted by the Planning Department.

7 6. Access to the property would be off a proposed
8 easement which connects with Highway 97. Existing easements
9 serve the property, except for a 300' portion which runs from
10 highway 97 to the applicant's property. Apparently, no recorded
11 easement has been made on this portion and it will be necessary
12 for the applicant to obtain this easement of record prior to
13 any partitioning of the land.

14 7. The property is served by the Klamath County
15 School District through Gilchrist, sewer service would be
16 provided by septic system, and water by well. The property
17 is served by Mid-State Electric Co-op and Pacific Northwest
18 Bell. There are no existing fire districts on the property.
19 However, the applicant indicated that she is willing to abide
20 by any conditions imposed through the zone change or partitioning
21 in order to provide for fire protection.

22 8. The request for zone change is to allow the
23 future division of the property into five (5) lots. The owner's
24 intention is to divide the property among her four (4) children
25 while keeping one (1) parcel for herself. The property is
26 part of a forty (40) acre tract which has been divided into

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eight (8) five (5) acre parcels. Adjoining the property on the south is Sun Forest Estates, a subdivision consisting of 403 one acre lots. The area is sparsely developed with homes and mobile homes and electrical and telephone services are available.

KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

1. Klamath County Development Code Section 47.003 sets forth the general criteria for consideration of a zone change:

A. The change of zone is in conformance with the Comprehensive Plan, and all other provisions of the Land Development Code;

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

C. 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; and

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

2. Klamath County Development Code, Section 47.001 sets forth the general purpose of Article 47, "Change of Zone Designation". The purpose of the zone change is to provide for revisions in response to an individual land owner's needs

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 and for zone changes required to maintain conformance with
2 the Klamath County Comprehensive Plan.

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

7 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

8 1. See Findings of Fact 1-8 above.

9 2. The zone change requested by the applicant is in
10 conformance with the Klamath County Comprehensive Plan and the
11 provisions of this Code.

12 3. The property affected by this change of zone
13 is adequate in size and shape to facilitate the use that
14 is normally allowed in conjunction with such zoning, to-wit:
15 one (1) acre residential lots.

16 4. The property affected by the proposed change of
17 zone is properly related to streets to adequately serve the
18 type of traffic generated by such uses as may be permitted
19 therein, provided the applicant obtains and records an
20 easement over that 300' portion of the adjoining property
21 which currently has no recorded easement to the applicant's
22 property.

23 5. The proposed change of zone will have no adverse
24 effect on the appropriate use and development of the abutting
25 property considering the fact that there are currently 403
26 one (1) acre residential lots in close conjunction with the

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 forest use property already.

2 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

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

5 CONCLUSIONS OF LAW AND DECISION:

6 A. The change of zone from Rural-5 to Rural-1
7 satisfies all applicable Klamath County Development Code
8 criteria and policies governing rezonings.

9 B. The change of zone from Rural-5 to Rural-1
10 is in conformity with the Klamath County Comprehensive
11 Land Use Plan.

12 C. The change of zone is consistent and complies
13 with all applicable State-wide Planning Goals and statutes.

14 D. The health, safety and welfare of the residents
15 of Klamath County require the following conditions be placed
16 on this change of zone designation:

17 1. That the applicant comply with any and all
18 fire prevention conditions that may be imposed during the
19 partitioning of this land and additionally, that she comply
20 with the following additional fire prevention conditions:

21 a) That she join a Fire Prevention District
22 as soon as one is available in the area;

23 b) That the applicant clear the lots so as to
24 create a fire break around any residences constructed on the
25 property;

26 c) That the applicant establish a water source

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 on the property in order that it be used for fire protection.

2 2. That the applicant obtain a recorded easement
3 of access to all lots on the property and that the applicant
4 follow the plot plan as submitted herein.

5 3. That the applicant meet all additional conditions
6 and criteria as set forth by the Review Board in the partitioning
7 proceeding.

8 Therefore, it is hereby ordered that this zone
9 change from Rural-5 to Rural-1 be granted, subject to
10 the above set forth conditions.

11 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

7224

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 surrounding property owners, concerned public agencies and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

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

Relevant Policies:

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

State Goal Issues:

The property is planned for rural (residential use). The applicant must show that the zone change meets the criteria of Section 47.003 of the Land Development Code. LCDC Goals 4, 7, 11, and 12 are of particular concern (see below).

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	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

7225

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:

The property is part of an area subdivided and developing for residential use. The County plan designation is Rural. There is no grazing or other farm use on the property or any of the surrounding land.

GOAL NO. 4 - Forest Lands

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

Relevant Policies:

3. "Existing forest uses shall be protected unless proposed changes are in conformance with the Klamath County Comprehensive Plan."
4. "The County shall regulate development of non-forest uses in forested areas."

State Goal Issues:

The area has a timber site productivity rating of Class V, capable of producing 50 to 85 cubic feet of timber annually per acre.

The Morrow property adjoins a tract of forest land owned by Diamond International, a major forest products firm. Development of the Morrow property into five lots could create conflicts with forestry by increasing the fire hazard or by complaints resulting from intensive timber management practices such as spraying or clearcutting. The potential impact of the five new lots must be balanced against the fact that the forest tract in question is already surrounded on three sides by residential lots, and intensive management practices may already be curtailed. Diamond has been notified of this proposal and has not made comment.

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

☐ Complies ☐ Does not Comply

7226

☐ Complies with conditions☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources on or around the property affected by this change.

GOAL NO. 6 - Air Water and Land Resource Quality

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

Relevant Policies:

1. "The County shall support efforts to maintain and improve the quality of air resources."
2. "All solid waste disposal shall 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:

Creating five lots out of this property would have a small impact on air quality from the smoke associated with the added dwellings. With all the surrounding lots in the area, the added impacts do not appear to be significant.

Septic tanks on the five new parcels would be subject to inspection and approval of the County Health Department which has been notified of this proposal.

GOAL NO. 7 - Natural Disaster and Hazards Act

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

7227

Relevant Policies:

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

State Goal Issues:

The area has a high fire hazard rating. Subdivision of the property would require joining or forming a fire district. There is no district covering this part of the County. The nearest fire fighting equipment is located at Gilchrist and belongs to the Walker Range Patrol. Applicant must present fire protection measures at the time a land division is applied for.

GOAL NO. 8 - Recreation Needs

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

Relevant Policies:

State Goal Issues:

The area provides outdoor recreation on surrounding public and timber company lands. Playground and community center facilities are available at Crescent and Gilchrist.

GOAL NO. 9 - County Economy

7228

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

Relevant Policies:

State Goal Issues:

The rezoning and subsequent division of the property would provide small economic benefits through future home placement or construction. No major or long-term effects on the local economy or employment are apparent.

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 proposal would allow for five, one-acre homesites, zoned to allow either houses or mobile homes.

GOAL NO. 11 - Public Facilities and Services

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

7229

Relevant Policies:

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

13. "New subdivisions will not be approved in rural areas unless there are provisions for the coordinated development of water, sewage and fire protection services appropriate to the area and at levels capable of adequately serving the new development."

State Goal Issues:

Electrical and telephone services are established adjacent to this property. Water and sewer would be by individual wells and septic systems.

There is no structural fire protection at this time. This must be provided for at the time of subdivision.

GOAL NO. 12 - Transportation

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

Relevant Policies:

13. "A safe, convenient and economic transportation system, adequate to serve anticipated growth, shall be developed that will minimize adverse social, economic and environmental impacts and costs of the transportation system."

State Goal Issues:

The property now has access via a 20' dirt easement road leading to Oregon Highway 31. This road crosses Diamond International property, and there is no evidence of a recorded easement connecting the highway with the five acre tracts (see Exhibit F). Prior to subdivision, applicant must provide for legal access. The roads must be upgraded to County rural road standards.

GOAL NO. 13 - Energy Conservation

☐ Complies ☐ Does Not Comply

☐ Complies with conditions

☒ Not applicable

7230

Relevant Policies:

State Goal Issues:

The rezoning would not affect energy use or conservation.

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., 1984 at 9:39 o'clock A M,
and duly recorded in Vol M84, of Deeds on page 7212.

Fee: \$ None

EVELYN BIEHN, COUNTY CLERK

by: Pam Smith, Deputy