

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a) NO. 8-84
REQUEST FOR ZONE CHANGE)
For) FINDINGS OF FACT, CONCLUSIONS
JAMES and CORA ROGERS) OF LAW AND DECISION

THIS MATTER came before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on the 5th day of July, 1984, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The Planning Department was represented by Carl Shuck; Jim Rogers appeared in person for the applicants.

Exhibits "A" through "C" were offered, received into evidence and made a part of the record.

Whereupon the Assistant Hearings Officer makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1. The applicants are the owners of the subject property generally described as Tax Lot 1301, located in the Government Lot 24, Section 28, Township 35, Range 7, Klamath County, Oregon.

2. The current plan designation of the property is Rural, the zone designation is R-5 and the adjacent and/or surrounding zoning is R-5 to the East and South, CH to the West and Light Industrial and Heavy Industrial to the North.

3. The property consists of 6.7 acres and is

1 rectangular in shape. Vegetation consists of trees and grass,
2 and the topography is a gradual slope up to the East.
3 General drainage is surface runoff in a northwesterly direction.
4 The SCS soil classification is IV and the timber productivity
5 rating is V.

6
7 4. Access to the property is by way of deeded
8 access over a private road from Highway 97.

9 5. The property is served by the Chiloquin School
10 District, sewer service is provided by septic system and water
11 by well. The property is served by Pacific Power and Light
12 and Telephone Utilities of Eastern Oregon. The property
13 is located within the Chiloquin-Agency Lake Fire District.

14 6. The owners are requesting this zone change from
15 R-5 to R-1 to allow for a division of the property of 6.7
16 acres into two (2) parcels, one parcel being 3.03 acres and
17 the other parcel being 3.69 acres. The vicinity is characterized
18 by commercial development along Highway 97 and rural homesites
19 to the South and East. Land to the North is industrially
20 zoned and includes the former Johns-Manville plant. The
21 rural homesites in the area range from 1.6 to 15 acres in size.

22 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

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

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

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 Development Code;

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

5 C. The property affected by the proposed
6 change of zone is properly related to streets to adequately
7 serve the type of traffic generated by such uses that may
8 be permitted therein; and,

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

12 2. Klamath County Development Code, Section 47.001
13 sets forth the general purpose of Article 47, "Change of
14 Zone Designation." The purpose of the zone change is to
15 provide for revisions in response to an individual landowner's
16 needs, and for zone changes required to maintain conformance
17 with the Klamath County Comprehensive Plan.

18 3. ORS 197.175 requires that all zoning ordinances
19 adopted by Klamath County be in conformance with State-wide
20 Planning Goals and guidelines.

21 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

22 1. See Findings of Fact 1-6 set forth above.

23 2. The zone change requested by the applicants
24 is in compliance with the Klamath County Comprehensive Plan
25 and the provisions of this Code.

26 3. The property affected by the change of zone is

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 adequate in size and shape to facilitate those uses that are
2 normally allowed in conjunction with such zoning.

3 4. The property affected by the proposed change
4 of zone is properly related to streets to adequately serve
5 the type of traffic generated by such uses that may be permitted
6 therein.

7 5. The proposed change of zone will have no adverse
8 effect on the appropriate use and development of the abutting
9 properties.

10 STATEWIDE PLANNING GOALS, CRITERIA AND FINDINGS:

11 See Exhibit "A" attached hereto and incorporated
12 by this reference.

13 CONCLUSIONS OF LAW AND DECISION:

14 A. The change of Zone from R-5 to R-1 satisfies all
15 applicable Klamath County Development Code criteria and
16 policies governing such.

17 B. The change of zone from R-5 to R-1 is in con-
18 formity with the Klamath County Comprehensive Land Use Plan.

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

21 THEREFORE, it is hereby ordered that this change of
22 zone from R-5 to R-1 be granted.

23 DATED this 9 day of July, 1984.

24

25

26


JAMES R. UERLINGS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

COMPREHENSIVE PLAN POLICIES AND STATE

LAND USE GOALS 1 - 14

11926

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 is set for July 5, 1984. Notice has been sent to surrounding property owners and 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:

State Goal Issues:

The comprehensive plan designates this area for residential, commercial and industrial use. The proposed rezoning and subsequent division of this property are consistent with the development trends of the area.

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

11927

Relevant Policies:

State Goal Issues:

The comprehensive plan designates this property for residential development. There is no farm use on this or adjacent parcels.

GOAL NO. 4 - Forest Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The area is designated for residential use by the plan and has been developing as such for a number of years. There are no forest resources on or adjacent to this property.

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

11928

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried Goal 5 resources on or adjacent to this property.

GOAL NO. 6 - Air Water and Land Resource Quality

☒ Complies ☐ Does not Comply

☐ Complies with Conditions

☐ Not applicable

Relevant Policies:

4. "Urban and rural residential use shall be designated only when approved sewage disposal alternatives have been identified."

State Goal Issues:

There is no history of septic system problems on this property. Installation of an additional system would be subject to Health Department review and approval.

GOAL NO. 7 - Natural Disaster and Hazards Area

☒ Complies ☐ Does Not Comply

11929

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

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

State Goal Issues:

The area has a moderate fire hazard rating. Adjoining land to the east has a high fire hazard rating. The property is within the Chiloquin-Agency Lake Fire District with fire-fighting equipment at Chiloquin, five miles to the north.

GOAL NO. 8 - Recreation Needs

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

Recreational facilities (park, rodeo arena, community hall) are available at Chiloquin. Nearby recreational areas include the Williamson River, Agency Lake, and the Winema National Forest.

GOAL NO. 9 - County Economy

11930

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

Relevant Policies:

State Goal Issues:

The proposed zone change would create some economic benefits through the sale of a parcel and the future construction of a home. No long-term effects on county economy or employment are evident.

GOAL NO. 10 - Housing

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

Relevant Policies:

4. "The County shall permit development of rural land for rural residential use on suitable lot sizes."

State Goal Issues:

The proposed zone change would allow the applicant to apply for a partition to create a 3.03 acre rural homesite. Applicant lives on the east half of the tract and would retain a 3.69 acre parcel for his own use.

GOAL NO. 11 - Public Facilities and Services

11931

- ☒ 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 low density of the proposed development.

GOAL NO. 12 - Transportation

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

Relevant Policies:

State Goal Issues:

The property is connected to Highway 97 via a 60-foot private road. The road is adequate to serve the additional homesite which would result from this zone change.

GOAL NO. 13 - Energy Conservation

☒ Complies ☐ Does Not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The proposed zone change would conserve energy by increasing the density of development in an area where needed utilities are already available.

GOAL NO. 14 - Urbanization

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

The proposed zone change affects a rural residential area.

Return:-- Commissioners Journal

STATE OF OREGON: COUNTY OF KLAMATH:ss
I hereby certify that the within instrument was received and filed for
record on the 16th day of July A.D., 1984 at 11:58 o'clock A M,
and duly recorded in Vol. M84, of Deeds on page 11922.

EVELYN BIEHN, COUNTY CLERK

by: Pam Anderson, Deputy

Fee: \$ None