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BEFORE THE BOARD OF COMMISSIONERS

AND PLANNING COMMISSION

KLAMATH COUNTY, OREGON

In the Matter of Request for)
) Klamath County Planning
 Comprehensive Land Use Plan)
) Findings of Fact and Order
 and Zone Change 19-86 for)
) #87-184
 Terry Hager)

This Comprehensive Land Use Plan and Zone Change No. 19-86 came on for public hearing before the Klamath County Planning Commission and the Board of Commissioners, being a joint hearing, on January 14, 1987. The applicant, Mr. Terry Hager, and the Planning Department staff provided and produced testimony, reports, maps, and information concerning the application for land use change from Forestry to Agriculture and zone change from Forest Range (FR, 40 acre minimum) to Exclusive Farm Use - Cropland, Grazing (EFU-CG, 80 acre minimum).

On January 14, 1987, after reviewing testimony, reports, and information, the Planning Commission made a motion to recommend approval to the Board of Commissioners.

On January 14, 1987, after reviewing reports, information, and testimony, the Board of Commissioners made a motion for approval of the application for Change of Land Use Plan and Zone Change 19-86.

FINDINGS OF FACT:

1. The subject property is located approximately 3 miles south of Beatty, legal description being Tax Lots 300, 400, and 500 of Section 22, Township 36, Range 12; Tax Lots 500, 600, 700, and 800 of Section 27, Township 36, Range 12; Tax Lots 600, 700,

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1 800, 900, and 1300 of Section 28, Township 36, Range 12; and
2 Tax Lot 100 of Section 3, Township 36, Range 12.

3 2. The Board of Commissioners found the applicant to be
4 Terry Hager of Beatty, Oregon.

5 3. Testimony from Planning Department staff indicated the
6 site has an irregular shape and consists of approximately 420
7 acres.

8 4. Testimony from the applicant indicated the site for
9 change would be additional farm ground added to the existing farm
10 unit.

11 5. Testimony from the applicant indicated that a portion of
12 the site has been used to pasture and feed cattle. Also, a
13 portion has been cleared and put into alfalfa for cattle feed.

14 6. The applicant also testified that a portion of the site
15 cleared for alfalfa was under irrigation.

16 7. It was pointed out by the applicant that the proposed
17 change would be compatible with other adjacent uses and would not
18 have an adverse impact on surrounding areas.

19 8. Staff indicated that if the zoning and land use design-
20 nations of the subject site were changed it would be the same
21 zoning and land use designations as the existing operating farm
22 unit, that being EFU-CG (Exclusive Farm Use-Cropland, Grazing)
23 and Agriculture.

24 9. Planning Department staff pointed out that EFU-CG zoning
25 abuts the property to the north and west, and the proposed change
26 will be compatible with land use and zoning in surrounding areas.

27 10. The Board of Commissioners, as part of their motion,
28 included the staff report and those relevant goals that pertain

1 to the change in land use and zone application. (See attached)

2 CONCLUSIONS OF LAW:

3 1. The Board of Commissioners concludes that this change
4 meets the Goals and Policies of the Klamath County Comprehensive
5 Plan.

6 2. The Board of Commissioners concludes that the proposed
7 change is in compliance with the Statewide Planning Goals.

8 3. The Board of Commissioners concludes that the proposed
9 change is in conformance with all policies of the Klamath County
10 Comprehensive Plan.

11 4. The Board of Commissioners concludes that the proposed
12 change is supported by specific studies or other factual informa-
13 tion which documents the public need for the change.

14 5. The Board of Commissioners concludes that the change of
15 zone is in conformance with the Comprehensive Plan, and all other
16 provisions of the Land Development Code.

17 6. The Board of Commissioners concludes that the property
18 affected by the change of zone is adequate in size and shape to
19 facilitate those uses that are normally allowed in conjunction with
20 such zoning.

21 7. The Board of Commissioners concludes that the property
22 affected by the proposed change of zone is properly related to
23 streets to adequately serve the type of traffic generated by such
24 uses that may be permitted therein.

25 8. The Board of Commissioners concludes that the proposed
26 change of zone will have no adverse effect on the appropriate use
27 and development of abutting properties.

28 ///

1 5. The Board of Commissioners concludes that this change
2 in land use and zone supports the application as requested and
3 provides for the appropriate use of land.

4 Now, therefore, it is hereby ordered that the application of
5 Terry Hager for Comprehensive Land Use Plan and Zone Change 19-86
6 is hereby approved.

DONE AND DATED this ¹¹~~25~~th Day of ^{February}~~January~~, 1987.

KLAMATH COUNTY BOARD OF COMMISSIONERS

Jim Rogers, Chairman of the Board

Ted Lindow, County Commissioner

Roger Hamilton, County Commissioner

Approved as to Form: and Content:

Robert D. Boivin, County Counsel

~~John Monfore, Chairman
Klamath County Planning Commission~~

Roy R. Huberd
Secretary to the Planning Commission



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Klamath County ~ Planning Department

VETERAN'S MEMORIAL BUILDING — 503-882-2501 — KLAMATH FALLS, OREGON 97601
COURTHOUSE

STAFF REPORT

Date: January 7, 1987

Item: CLUP & ZC 19-86

Responsible Planner: Kim Lundahl

Applicant: Name : Terry Hager

Address: P. O. Box 85
Beatty, OR 97621

Phone : 533-2471

Representative: Name :

Address:

Phone :

Request For: CLUP & ZC 19-86 - Change in Land Use Plan from
Forestry to Agriculture and Zone Change from
Forestry/Range to EFU-CG

Reviewing Body: Planning Commission and Board of Commissioners

Property Location: Three miles south of Beatty, Beatty Dump Road

Legal Description: Portions of Sections 22, 27, 28, and 33, Township
36, Range 12

Property's Physical
Characteristics:

A. Plan Designation

Forestry

B. Zone Designation

Forestry/Range

C. Dimensions or Acreage

420 Acres

D. Shape

Irregular

E. Topography

Rolling to steep

F. General Drainage

Surface runoff to well-defined seasonal drainage courses

G. Vegetation

Sagebrush, Juniper, and native grass

H. Access

Beatty Dump Road

I. Soils

50% Class IV, 50% Class VI and VII

J. Timber Site Productivity Rating

V

Unique Physical Characteristics of Surrounding Lands:

Agriculture and grazing

Adjacent and Surrounding Zoning:

EFU-CG and FR

Public Facilities and
Services:

A. Water

Individual on-site wells

B. Sewer

Individual on-site subsurface disposal systems

C. Fire District

NA

D. Electricity and/or Gas

Pacific Power and Light

E. Schools

County School District

Exhibits:

A. Staff Report

B. Assessor's Map

C.

D.

E.

Conformance with Relevant Klamath County Policies:

Goal 1 - Citizen Involvement

A public hearing on this matter has been set for January 14, 1987. Notice has been sent to neighboring property owners and to concerned public agencies. Notice has been published in the Herald and News and has also been forwarded to LCDC.

Goal 2 - Land Use Planning

The hearing is set to implement the Comprehensive Plan, Policies and the Land Development Code.

Goal 3 - Agricultural Lands

Lands shall be designated agricultural taking into consideration the following factors:

- (1) Comprised of SCS Class I-VI soils;
- (2) Presently irrigated or potentially irrigable;
- (3) Located in an area where the predominant surrounding land use is agriculture.

Lands included in the subject request, CLUP & ZC 19-86, comply with the above policies.

Goal 6 - Air, Water, and Land Resource Quality

To maintain and improve the quality of the air, water, and land resources of Klamath County. Adherence to Department of Environmental Quality standards will negate adverse environmental impacts.

Goal 11 - Public Facilities and Services

Electrical and telephone services are available. Water and sewer services are provided on site. The property is not within a fire protection district. This level of services is adequate for the intended use.

Goal 12 - Transportation

The property fronts on Beatty Dump Road. This road provides adequate access for the intended use.

Goal 13 - Energy Conservation

Goal Issues: The proposal conserves energy by increasing development in an area where needed utilities are already in place and by keeping the business close to the majority of its potential customers.

Goals 4, 5, 8, 9, 10, 11, and 14 do not pertain or are not affected by this request.

Planning Department Conclusions and Recommendations:

The applicant has requested a Comprehensive Land Use Plan and Zone Change for a 420 acre unit identified on the attached map. The Planning Commission and Board of Commissioners can only consider such a change if the property in question meets the following criteria:

EFU Criteria	Subject Property
1. Primarily Soil Classes I-VI	Consists of Soil Classes V-VI
2. Presently irrigated or irrigable land	State Water Board data indicates a small portion (i.e. 38.33 acres) of the subject property is irrigable. This portion is located in the southwest corner of 3612, Section 22.
3. Improved pasture	Property is fenced and a stock watering well is present. There are no existing buildings on the property.
4. Farm Use Tax Deferral	Subject property is not under farm use tax deferral. The current PCA is recreation. It should be noted, however, the property has only recently been purchased and incorporated into a larger farm unit.
5. Size and situation of unit is appropriate for accepted farm practices in the area. The majority of EFU-zoned properties in the Sprague Valley area are irrigated or irrigable lands utilized for hay and livestock production.	The subject property has been incorporated into a large holding, appropriate for area farm practices. The property is largely nonirrigable land used for seasonal grazing of livestock.

The findings indicate a close correlation between Klamath County EFU planning criteria and factual evidence relating to the subject property. Soil qualities, improvements, size, and situation of the property favor accepted area farm practices. Because the undeveloped property was only recently acquired for incorporation into a larger farm unit, Farm Use Tax Deferral has not been applied, and moreover, is not an applicable criteria in this case. The single EFU standard not met by the property in question is irrigability. Accordingly, this portion of the larger farm unit would be largely suitable for seasonal grazing alone.

In light of the findings discussed above, staff recommends approval of the Plan and Zone Change for the subject property.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 17th day
of February A.D., 19 87 at 10:05 o'clock A.M., and duly recorded in Vol. M87,
of _____ Deeds on Page 2450

Evelyn Biehn, County Clerk
By _____

FEE NO FEE

Return: Commissioners' Journal