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BEFORE THE BOARD OF COMMISSIONERS AND PLANNING COMMISSION
KLAMATH COUNTY, OREGON

Vol. 1481 Page 12111

ORDER # 88-104

1 IN THE MATTER OF REQUEST FOR)
2 COMPREHENSIVE LAND USE PLAN)
3 AND ZONE CHANGE 1-87 FOR)
4 RONALD K. RIMA)

5 I. NATURE OF REQUEST

6 Public hearings on this application were held May 13, 1987,
7 and June 23, 1987, being joint hearings before the Klamath County
8 Planning Commission and Board of Commissioners.

9 This request for a change of Land use Plan from Agriculture
10 to Commercial and Zone Change from EFU-CG (Exclusive Farm Use-
11 Cropland/Grazing) to CR (Recreation Commercial) was considered
12 pursuant to Articles 47 and 48 of the Land Development Code.

13 II. NAMES OF THOSE INVOLVED

14 The applicant, Ronald K. Rima, was represented by Wynn Hescock,
15 who was present and testified in support of the application. The
16 Planning Department was represented by Kim Lundahl, Senior Planner.
17 Administrative Secretary, Karen Burg, was the recording secretary.
18 Michael Spencer, Legal Counsel, was also present.

19 Members of the Board of Commissioners who sat at this hear-
20 ing were: Jim Rogers, Ted Lindow, and Roger Hamilton.

21 Members of the Planning Commission who sat at this hearing
22 were: Ed Livingston, Steve Sherman, Paul Zech, Susan Crismon,
23 Fran Gorham, Bob Brackett, and James Liston.

24 Written data was submitted as follows:

25 Exhibit A - Klamath County Staff Report

26 Exhibit B - Assessor's Map

27 Exhibit C - Photos 1-6

28 Exhibit D - Health Services Letter 2-18-87

Exhibit E - DLCD Letter 4-23-87

1 Exhibit F - Ronald K. Rima Letter 4-17-87

2 Exhibit G - Exceptions Statement

3 Exhibit H - Planning Department Letter 4-28-87

4 Exhibit I - Addendum to Exceptions Statement 6-9-87

5 Exhibit J - Highway Division Letter 5-8-87

6 III. LEGAL DESCRIPTION

7 The subject property is located west of Modoc Point Highway,
8 one mile south of Petric County Park, Agency Lake Area. The
9 property is described as a portion of the SW $\frac{1}{4}$ of Section 31,
10 Township 34S, Range 7EWM, Tax Acct. 3407-31-2800.

11 IV. RELEVANT FACTS

12 The property has an Agricultural Plan Designation with an
13 implementing zone of EFU-CG (Exclusive Farm Use-Cropland/Grazing).

14 The property is 10.18 acres in area and nominally rectangular
15 in configuration.

16 The property has been planted to alfalfa, but has not been
17 managed for several years.

18 The western property line is the eastern shore of Agency
19 Lake.

20 The eastern property line is bounded by and the site is
21 accessed by Modoc Point Highway, a paved, County-maintained road.

22 The SCS Soil Capability Rating is Class IV.

23 Services and Facilities:

24 A. Schools - County School District

25 B. Electricity - Pacific Power and Light

26 C. Fire Protection - Chiloquin-Agency Lake Fire District

27 D. Water - Individual wells

28 E. Sewer - Individual subsurface disposal system.

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1 Notice of this action and an "Exceptions Statement" prepared
2 pursuant to OAR 660, Division 4 was forwarded to the Department
3 of Land Conservation and Development on March 4, 1987. Response
4 dated April 23, 1987 was received and forwarded to the applicant.
5 An addendum to the "Exceptions Statement" was prepared in reply
6 and submitted. On May 19, 1987, Kim Lundahl, Senior Planner, and
7 Mel Lucas, LCDC Field Representative, visited the project site.
8 V. RELEVANT APPROVAL CRITERIA

9 Refer to Page 4 of the Staff Report attached hereto for
10 conformance with relevant Klamath County Policies.

11 Review criteria relating to this application are set out in
12 Land Development Code Article 47 sub 003 and Article 48 sub 003
13 as follows:

14 A. The proposed change is in conformance with all relevant
15 policies of the Klamath County Comprehensive Plan.

16 B. The proposed change is supported by specific studies or
17 other factual information for that change.

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

20 D. The property affected by the change is adequate in size
21 and shape to facilitate those uses that are normally allowed in
22 conjunction with such zoning.

23 E. The property affected by the proposed change is properly
24 related to streets to adequately serve the type of traffic genera-
25 ted by such uses that may be permitted therein.

26 F. The proposed change will have no adverse effect on the
27 appropriate use and development of abutting properties.

28 VI. FINDINGS

The Board of Commissioners and Planning Commission find the
evidence submitted, Exceptions Statement, and testimony offered
demonstrate the approval criteria, as set out in Section V have
been satisfied.

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1 VII. CONCLUSIONS

2 This application has satisfied the Review Criteria in that
3 correct notice was given, all Comprehensive Plan Policies and
4 Review Criteria have been complied with. An Exceptions Statement
5 and Addendum were also submitted.

6 VIII. ORDER

7 Therefore, the Board of Commissioners accepts the recommenda-
8 tion of the Planning Commission, and it is ordered the submitted
9 Exceptions Statement and addendum are accepted and the request
10 for a change of Land Use Plan from Agriculture to Commercial and
11 Zone Change from EFU-CG (Exclusive Farm Use-Cropland/Grazing) to
12 CR(Recreation Commercial) filed as application CLUP and ZC 1-87
13 is granted.

14 Dated this 8th Day of July, 1987.

15 BOARD OF COUNTY COMMISSIONERS

16
17
18
19 Chairman

20 Out of Office Today

21 Commissioner

22
23 Commissioner

24
25 Approved as to Form and Content:

26
27 Michael Spencer, County Legal Counsel

Conformance with Relevant Klamath County Policies:

Goal 1 - Citizen Involvement

Goal Issues: A public hearing on this matter has been set for May 13, 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

Policy to preserve and maintain agricultural lands, the project site is zoned EFU-CG and is the East Shore of Agency Lake. It is bounded North and South by Rural Residential use and is bounded by Modoc Point HWY on the East. As a Remnant Parcel, its suitability for agricultural use is questionable.

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 environmental impacts.

Goal 8 - Recreational Needs

The Project, a commercial Hunting/Fishing Lodge, would provide recreational opportunities for County residents and visitors.

Goal 9 - Economy

The project would provide employment opportunities both in the construction and operation of the proposed project.

Goal 11 - Public Facilities and Services

Policy 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 concurrently with defined levels of development within urban and rural areas.

Goal Issues: Electrical, telephone, and water services are available. The property is within the Chiloquin-Agency Lake Fire District. This level of service is adequate for the property's intended use.

Goal 12 - Transportation

Goal Issues: The property fronts on the Modoc Point Hwy, a main North-South Road. This location is easily accessible.

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Agencies/Parties Notified/Response

Environmental Health Services - See clearance letter dated Feb. 18, 1987.
Public Works - No response
Dept. of Fish and Wildlife - No response
LCDC - See response dated April 23, 1987.
Division of State Lands - No response
State Highway Division - No response
Bureau of Reclamation - No response
Chiloquin/Agency Lake Fire Dist. - No response
Modoc irrigation District - No response
The Klamath Tribe - No response
Klamath Basin National Wildlife Refuge - No response
Six Adjacent property owners - No response

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Planning Department Narrative and Recommendation:

The applicant has applied for a Change in Land Use Plan designation from agriculture to commercial and a related zone change, EFU-CG to CR. on 10.18 + - acres. This request is made to facilitate the development of the property as "Greenhead Lodge, a commercial hunting/fishing lodge offering overnite facilities.

As the Property is resource zoned (EFU-CG) an exceptions statement was prepared and forwarded to the Dept. of Land Conservation and Development March 4, 1987. A copy of their response (April 23) and the Planning Department return response (April 28) are attached.

Also attached is the applicants project description. This is an excellent summary of the project and setting.

Staff recommends the Planning Commission and Board approve the submitted exceptions statement and grant the applicants request based on the following findings:

- A. The proposed change is in conformance with all relevant policies of the Klamath County Comprehensive Plan.
- B. The proposed change is supported by specific studies or other factual information for that change.
- C. The change of zone is in conformance with the Comprehensive Plan, and all other provisions of the Land Development Code.
- D. 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.
- E. The property affected by the proposed change is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
- F. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 9th day
of July A.D. 19 87 at 4:15 o'clock P M., and duly recorded in Vol. M87
of Deeds on Page 12111.

FEE NO FEE
Return: Commissioners' Journal

By Evelyn Biehn, County Clerk