

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

76731

Vol. M81 Page 12118
ORDER #88-103

1 IN THE MATTER REQUEST FOR)
2 COMPREHENSIVE LAND USE PLAN AND)
3 ZONE CHANGE 3-87 FOR BILL MORRIS)
AND PAUL GARCIA)

4 I. NATURE OF REQUEST

5 A public hearing was held on this application on June 23,
6 1987, being a joint hearing before the Klamath County Planning
7 Commission and the Board of Commissioners.

8 The request for a change of Land Use Plan from Forestry to
9 Agriculture and Zone Change from FR (Forestry Range) to EFU-CG
10 (Exclusive Farm Use-Cropland/Grazing) was considered pursuant to
11 Articles 47 and 48 of the Land Development Code.

12 II. NAMES OF THOSE INVOLVED

13 One of the applicants, Paul Garcia, representing himself and
14 applicant, Bill Morris, was present and testified in support of
15 the application. The Planning Department was represented by
16 Kim Lundahl, Senior Planner. Administrative Secretary, Karen Burg,
17 was the recording secretary. Michael Spencer, legal counsel, was
18 also present.

19 Members of the Board of Commissioners who sat at this hearing
20 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 - Site Photos
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1 III. LEGAL DESCRIPTION

2 The property is located approximately two miles east of the
3 intersection of Harpold Road and Bedford Cemetary Road. The
4 property is described as the NW $\frac{1}{4}$ of Section 8, Township 40S, Range
5 12EWM; Tax Acct. 4012-2000, 2100, and 2200.

6 IV. RELEVANT FACTS

7 The property has a Forestry Plan designation with an imple-
8 menting zone of FR (Forestry Range).

9 The property is 160 acres m/l in area and nominally square in
10 configuration.

11 The property has been planted to dryland and irrigated pasture
12 with rye, pasture mix, and alfalfa. The property is totally
13 fenced. The SCS Soil Capability Rating is Class VII/Lorella very
14 stony loam. The property is bounded on the west by long-term
15 agricultural use land that is zoned EFU-CG.

16 Access is per an unnamed, unimproved easement per Minor Parti-
17 tion 80-80.

18 Services and Facilities:

- 19 A. Schools - County School District
20 B. Electricity - Pacific Power and Light
21 C. Fire Protection - This property is not included in a
22 structural fire protection district.

23 D. Water - Two domestic wells and one irrigation well

24 E. Sewer - Individual subsurface disposal system

25 Notice of this action was forwarded to the Department of Land
26 Conservation and Development on April 16, 1987. No comment was
27 received.

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1 V. RELEVANT APPROVAL CRITERIA

2 Refer to Page 4 of the Staff Report attached hereto for con-
3 formance with relevant Klamath County Policies.

4 Review Criteria relating to this application are set out in
5 Land Development Code Article 47, sub 003 and Article 48, sub 003
6 as follows:

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

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

10 C. The change of zone is in conformance with the Comprehen-
11 sive Plan, and all other provisions of the Land Development Code.

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

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

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

17 VI. FINDINGS

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

21 VII. CONCLUSIONS

22 This application has satisfied the Review Criteria in that
23 correct notice was given, all relevant Comprehensive Plan Policies
24 and Review Criteria have been complied with.

25 VIII. ORDER

26 Therefore, the Board of Commissioners accepts the recommenda-
27 tion of the Planning Commission, and it is hereby ordered the
28 request for a change of Land Use Plan from Forestry to Agriculture

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1 and Zone Change from FR (Forestry Range) to EFU-CG (Exclusive
2 Farm Use-Cropland/Grazing), filed as application CLUP and ZC 3-87
3 is granted.

4 Dated this 8th Day of July, 1987.

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7 BOARD OF COUNTY COMMISSIONERS

8
9 Jim Rogers
Chairman

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11 Out of Office Today
Commissioner

12
13 [Signature]
Commissioner

14
15 Approved as to Form and Content:

16 Michael Spencer
17 Michael Spencer, County Legal Counsel
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Conformance with Relevant Klamath County Policies:

Goal 1 - Citizen Involvement

A public hearing on this matter has been set for June 23, 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.

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.

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

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Planning Department Conclusions and Recommendations:

The applicants have requested a Comprehensive Land Use Plan and Zone Change for a combined 160 acre parcel (NW $\frac{1}{4}$ Section 8, Township 40S, Range 12E). They request the Plan designation of the property be changed from Forestry-Range to Agriculture and the zoning from FR to EFU. The Planning Commission and Board of Commissioners can only consider such a change if the property in question meets the following criteria:

EFU CRITERIA

1. Primarily Soil Classes I-VI
2. Presently irrigated or irrigable land
3. Improved pasture
4. Farm Use Tax Deferral
5. Size and situation of unit is appropriate for accepted farm practices.

SUBJECT PROPERTY

Is rated Class VII, Lorella very stony loam

The land owner is developing an irrigation well estimated to produce 200 gpm.

The land owners have planted 160 acres of rye, pasture mix, and alfalfa. The property is totally fenced.

The applicants have only recently taken title to this property. The previous owner qualified the property for tax deferral but had let the qualification expire.

The size and development is similar to nearby farm units.

This property is contiguous to property zoned EFU-CG. The property owners are engaged in and continue to improve their property for commercial agriculture and have included the property in the Soil Conservation District.

As the existing and proposed zones are resource zones, an exception document is not required.

Staff recommends approval of the request as the owners are engaged in viable commercial agriculture and meets the mandatory review criteria outlined in Section 47.003 and Section 48.003 of the Land Development Code.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 9th day
of July A.D. 1987 at 4:15 o'clock P.M., and duly recorded in Vol. M87
of Deeds on Page 12118

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk

By [Signature]