

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR)
COMPREHENSIVE LAND USE PLAN)
AND ZONE CHANGE 7-87 FOR)
JOHN SCHOONOVER)

ORDER NO. 88-216

I. NATURE OF REQUEST

A public hearing on this application was held September 22, 1987, being a joint hearing before the Klamath County Planning Commission and Board of County Commissioners. The hearing was re-opened at the request of the Applicant and a second public hearing was held on March 1, 1988.

II. NAMES OF THOSE INVOLVED

The applicant, John Schoonover, was present and testified in support of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. Administrative Secretary, Karen Burg, was the Recording Secretary. Michael L. Spencer, Legal Counsel was present.

Members of the Board of County Commissioners who sat at this hearing were: Roger Hamilton, Ted Lindow and Jim Rogers.

Members of the Planning Commission who sat at this hearing were: John Monfore, Ned Livingston, Paul Zech, Suzan Crismon, Fran Gorham, John Kite and Jim Liston.

Written data was submitted as follows:

- Exhibit A - Klamath County Staff Report
- Exhibit B - Assessors Map
- Exhibit C - Exceptions submitted 8-7-87
- Exhibit D - Tract 1214 Map
- Exhibit F - D.L.C.D. Letter 8-26-87
- Exhibit G - 1000 Friends Letter 8-27-87
- Exhibit H - LUBA Order 87-019
- Exhibit I - D.L.C.D. Letter 9-18-87
- Exhibit J - Schoonover Letter 9-22-87
- Exhibit K - Schoonover Letter 9-22-87
- Exhibit L - Schoonover Letter 2-15-88

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III. LEGAL DESCRIPTION

Tract 1214, as recorded in the records of Klamath County,
Oregon being 80 acres M/L in Section 5, Township 25S, Range 8E,
W.M., T.S. 2508-05-1100.

IV. RELEVANT FACTS

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The property has a forestry plan designation with an implementing zone of F (Forestry).

The property is 80 acres in area and rectangular in configuration.

The S.C.S. soil capability rating is Class VI.
The timber site production is

The timber site productivity rating is Class V.

Notice of this section and "Exceptions Statement" pursuant to OAR 660, Division 4 was forwarded to the Department of Land Conservation and Development on August 7, 1987.

Responses dated 8-26-87 and 9-18-87 were received and forwarded.

RECITALS:

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(1) This matter comes before this Board upon the application and request of the applicant to rezone tract 1214 to the original zoning of R5 and land use plan of rural 5 acres as approved by the Planning Commission and the Board of County Commissioners on November 18, 1980.

(2) Tract 1214 is located adjacent to the Little Deschutes River, four miles north of Highway 58 in a portion of Section 5, Township 25S, Range 8E. It is currently zoned Forestry (F) and is designated as Forestry in the Klamath County Land Use Plan.

(3) Previous action of this property included approval of the preliminary map and approval of all variances required.

22 (4) There was no opposition offered by surrounding
23 property owners or any affected departments.
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1 NOW, THEREFORE,

2 The Board of County Commissioners of Klamath County finds,
3 concluded and recommends as follows:

4 Section 1. Findings.

5 1.1 The Klamath County Board of Commissioners hereby
6 incorporates the staff report, the past record by reference, and
7 adopts the statements therein as its own findings of fact.

8 1.2 The Commissioners find that the original zone
9 designation of R5 was down zoned to Forestry (F) by direction of
10 LCDC over the objections of the County and the applicant as a
11 prerequisite condition of approval by LCDC of the County
12 Comprehensive Plan.

13 1.3 The Commissioners find that an exception to Goal 4
14 should not now be required as the exceptions had previously been
15 submitted and accepted, the subdivision completed in all aspects
16 and approved, however, in order to complete the record we add
17 the exceptions as they currently exist. The Commissioners find
18 that the land is irrevocably committed to a subdivision use.
19 The Commissioners find that the improvements to said property,
20 at a cost of \$180,000.00, were made in compliance with all
21 Klamath County Land Use laws as the land was properly zoned for
22 subdivision at the time of the filing of the preliminary plat.
23 The Commissioners further find that the subdivision at the time
24 of development was legal in all respects. Improvements to the
25 property include roads, culverts, and drainage to County
26 standards. The characteristics of the land described in the
27 Staff Report, were characteristics which existed in 1981 and
1982, at the time of the development of the property and, thus
were not in violation of the state wide planning Goal 4.

1.4 The Commissioners find that the characteristics of
this subdivision, the characteristics of the adjacent land, and
thee relationship between the subdivision and the lands adjacent
to it clearly show that the area in question is a rural
residential recreational area and not one for which the forestry
designation and zoning is appropriate.

1.5 The Commissioners find that forest uses are
impractical and has considered the seven forest use designations
set forth in Goal 4. Specifically, the County finds that there
is no commercially usable timber on the Tract itself nor will
the Tract itself interfere with the processing of forest

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1 products by interfering with any other commercial forest
2 operation. The Commissioners find that Tract 1214 is not
3 appropriate for use as an open space, a buffer from noise, or
4 for visual separation of conflicting uses because of the
5 development in the area which has occurred. The Commissioners
6 find that this is not appropriately designated as a watershed
7 protection for wildlife and fisheries habitat and that the Fish
8 and Wildlife Commission and the Forest Service have both
9 approved the use of this area as a subdivision. The
10 Commissioners find that soil protection from wind would be
11 better served by the use of this area as a subdivision because
12 of the nature of the soil and because, in its previous natural
13 state, the area did not lend itself to maintain soil protection.
14 The Commissioners find that the area, in its undeveloped state
15 did not attribute to clean air and water and this is not an
16 appropriate use of this land. The Commissioners find that
17 outdoor recreational activities and related support services and
18 wilderness values were not enhanced by this land, in its
19 undeveloped state and, in fact, these activities will be
20 enhanced by the further development of this area as a rural
21 residential area. The Commissioners find that the land had no
22 value as a grazing area for livestock and would be
23 inappropriate to designate a forest use for this purpose. In
24 summary, the Commissioners find that this land could not be put
25 to use under the 7 areas defined under Goal 4 in its undeveloped
26 state and that the current level of development and future
27 development are appropriate.

15 1.6 The comprehensive plan change will convert the
16 property to rural residential in accordance with Section 51.003
17 of the comprehensive plan, the property is outside of an urban
18 area, or an urbanizable area in accordance with the zoning maps
19 and Atlas of the comprehensive plan, therefore the Commissioners
20 take no exception to Goal 14.

19 1.7 The requested zone change complies with Section 48.003
20 and Section 97.001 (2) and all other relevant policies of the
21 Klamath County Comprehensive Plan. The zone change will
22 increase the availability of recreational land and opportunities
23 in Klamath County.

21 Section 2. Decision.

22 2.1 Based upon the record of the public hearing, the Staff
23 Report, and the record as a whole, the Klamath County Board of
24 Commissioners conclude that the circumstances presented are
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1 exceptional, that the change in the Comprehensive Plan from
 2 Forestry to Rural should be granted and that further zoning from
 3 Forestry (F) to Rural, 5 acre (R-5) should also be granted.

4 DATED this 23rd day of March, 1988.

5 BOARD OF COUNTY COMMISSIONERS

6
 7 Out of Office Today
 8 ROGER HAMILTON, CHAIRMAN

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 10 
 11 TED LINDOW, COMMISSIONER

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 13 
 14 JIM ROGERS, COMMISSIONER

15 APPROVED AS TO FORM:

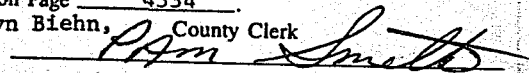
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 18 MICHAEL L. SPENCER, COUNTY COUNSEL

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 20 STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 28th day
 of March A.D., 19 88 at 3:30 o'clock P M., and duly recorded in Vol. M88,
 of Deeds on Page 4334.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
 By 

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