

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 9-91
FOR W.G. JUMP

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners July 23, 1991 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from Forestry/Forestry Range to Agriculture/BFU-CG on 440 acres located southwest of West Langell Valley Rd., one mile south of the intersection with the Bonanza Cutoff.

This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant was present and presented testimony in behalf of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Rod Davis, County Counsel was present. Members of the Board of County Commissioners who participated in this hearing were: Harry Fredricks, Ed Kentner and Wes Sine. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LEGAL DESCRIPTION

440 +/- acres in section 27, 28 & 34, T 39S R 11E W.M. T.A. 3911-0000-7300, 7700, & 9400.

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Forestry/Forestry Range to Agriculture/BFU-CG on 440 acres located southeast of Bonanza. Zoning designations of land to the south and west include Forestry Range. There is BFU-CG zoning is for land adjacent to the northeast and east. Portions of the property are not presently qualified for farm tax deferral due to lack

of agricultural use by the previous property owner.

The supporting documentation included photos as Exhibit "d" which were found to accurately represent the improvement of the property to a more productive agricultural property.

Applications for changes to land use plan (CLUP) and zone changes (ZC) are reviewed pursuant to Articles 47 and 48 of the Code.

5. ARTICLE 48-CHANGE OF LAND USE PLAN:

A proposed Change of Comprehensive Plan Designation shall be approved if the reviewing authority finds that:

- A. the proposed change is in compliance with the Statewide Planning Goals,
- and B. the proposed change is in conformance with all policies of the Klamath County Comprehensive Plan:

The most affected local/state policy/Goals are Goal 3-"Agricultural Lands" and Goal 4-"Forestry Lands". The Board finds based on Exhibits a-d, staff presentation and applicant testimony the conversion of 440 acres to another "resource" designation consistent with both Goals. The change in plan designation is supported by the record, exhibits, and testimony in that the use of the property has been appropriately converted through agricultural practices to property that is appropriately planned for agricultural uses, given the size, location, aspect, and land capability classifications.

6. ARTICLE 47-CHANGE OF ZONE DESIGNATION:

A proposed change of zone shall be approved if the reviewing authority finds that:

- A. The change of zone is in conformance with the Comprehensive Plan, and all provisions of the Land Development Code;

As the Board has found the proposed plan change consistent with state/local guidelines/policies the request in change to an implementing zone of EFU-CG consistent.

- B. 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 the zoning. The uses developed by the applicants, field crop production and commercial grazing in conjunction with a noncontiguous operation, is an allowed/permitted use in either the FR or EFU-CG zone. The existing/developed use of the property is found to be better protected by the standards of the EFU-CG zone.

C. The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein; No change in the present use of the property is contemplated by this application. Accordingly the Board finds additional traffic above the present level appropriate to the use will not be generated on West Langell Valley Rd..

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

The Board finds property and surrounding land uses are developed to agriculture. The conversion of the subject property to an agricultural zone is found to be consistent with the existing surrounding land use of the area as set out in applicants testimony.

7. CONCLUSIONS AND ORDER

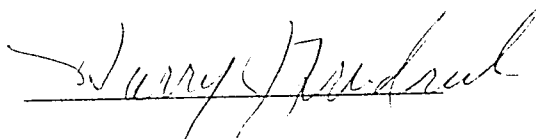
The Board of County Commissioners finds the applicant has satisfied the pertinent review criteria as set out in Oregon Administrative Rules and Articles 47 and 48 of the Code. Correct notice was given and the intent of the statewide planning program has been met.

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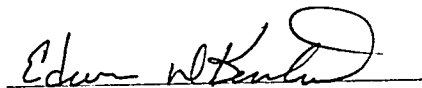
Therefore, it is ordered the request for CLUP/EC 9-91 for W.G. Jump is approved for a Change in the Land Use Plan from Forestry to Agriculture and a zone change from Forestry/Range to EFU-CG.

DATED this day of JULY, 1991

Chairman of the Board



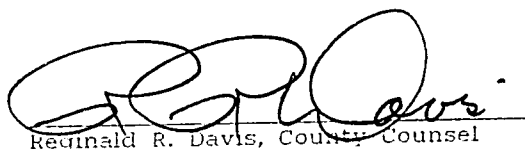
Commissioner



Commissioner



Approved as to form:



Reginald R. Davis, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this order. Contact the Klamath County Planning Department for information as how to file this appeal. Failure to do so in a timely manner may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 2nd day of Aug. A.D. 19 91 at 9:21 o'clock A M., and duly recorded in Vol. M91, of Deeds on Page 15128.

FEE none

Evelyn Biehn • County Clerk

By Reginald R. Davis

Return: Commissioners Journal

CLUP/EC 9-91 JUMP