

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
 of RONALD E. DODSON)
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ZONE CHANGE
 NO. 3-92

This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 3 April 1992 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl Senior Planner, the recording secretary was Mrs. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

FINDINGS

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances.

Testimony was received at the hearing by Mr. Dodson, in favor; and by Mr. Norman Behrens, representing the Oregon Department of Fish and Wildlife. Mr. Behrens' testimony was against the change requested since it would allegedly interfere with the migration corridor for deer in their movement between winter and summer ranges. His primary objection being the precedent which this change would set in the entire area decreasing the space between human occupancies the eventual choking off of these migration routes altogether.

The Hearings Officer has noted that this tract is between two zones, R-5 to the North and R-1 to the East. It has also been noticed that an apparent error was made in the zone designations since the R-5 Zone which borders the property is only a road width from this property lies is divided into approximately 1.25 to 2.5 acre plots, while the property to the East, Zoned R-1 is also only a road width from the Dodson property is all divided into 5 to 10 acre plots. This reversal of designation from the actual use is potentially far more detrimental than the division of this one piece since all the R-1 property can now be divided and the population increased four fold without any control by the county as the present designations are set.

CONCLUSION

There is much to be concerned about in this situation from the point of view of ODF&W, by Mr. Dodson as well as the County.

Changing this property designation to R-1 is potentially hazardous to the migration of deer since it would allow on that tract approximately nine lots to be split off the parcel thereby greatly increasing the population of this sensitive area. On the other hand the designation of R-1 from R-5 would not appreciably change the present situation as it now exists.

It is also noted that the property has been completely clear cut due to beetle kill and therefore has no cover for deer or other large animals. (See Photographic Exhibits)

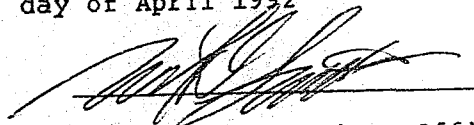
The ODF&W's point that the expansion of population in this area is hazardous to the wildlife is well taken and this decision should not be taken as precedent for further expansion of the division of property. However, the Hearings Officer finds an equitable reason for allowing the splitting in to three pieces rather than a potential nine will serve both the parties aims and allow the official designation of the Land Use designation in the area to be reclassified.

ORDER

Based upon the findings and conclusion herein the Zone change from R-5 to R-1 is GRANTED - upon condition that this parcel be divided in to not more that three parcels and that each deed resulting from such division contain a covenant running with the land that it will not be further divided.

It is further ordered that the Planning Department investigate this anomalous situation and make recommendations to the proper authorities to prevent further erroneous designations of the properties in the area and bringing them in to consistent Zone designations with the actual situation here.

DATED this 7th day of April 1992



Neil D. Smith, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

" An Order of the Hearings Officer shall be final unless appealed within seven (7) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code"pl

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 8th day
of April A.D., 19 92 at 10:08 o'clock A.M., and duly recorded in Vol. M92
of Deeds on Page 7314

Evelyn Biehn, County Clerk

By [Signature]

FEE none

Return: Commissioners Journal