

BEFORE THE BOARD OF COMMISSIONERS  
OF KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 17-96  
FOR ROE

ORDER

1. NATURE OF THE APPLICATION: The applicant is requesting a Comprehensive Land Use Plan and Zone Change (CLUP/ZC) from FORESTRY/F to AGRICULTURE/EFU-CG on 217 acres located west of the BNRR, at the south end of Long Prairie, North County.

2. NAMES OF THOSE INVOLVED: A Hearing on this application was conducted JANUARY 28, 1997. The applicants were represented by Doug Adkins, ADKINS CONSULTING ENGINEERS, who appeared and entered testimony in behalf of this application. The Planning Department was represented by Kim Lundahl. Karen Burg was the Recording Secretary. Members of the Board of County Commissioners who participated in this Hearing were: Al Switzer, William R. Garrard, and M. Steven West. The County Planning Commission, with a quorum present, participated in an advisory manner. A notarized listing of those who participated is on file at the Planning Department.

3. LOCATION: The subject property is located in Sections 27 and 28 T 23S R 10E.

4. FINDINGS OF FACT: Background Information

The 217 acre parcel is largely meadow and has historically been used for pasture/livestock. One home in conjunction with the Agricultural Use has long been established. Surrounding the subject property are parcels of property zoned F and R-5. These designations were approved by the Board of Commissioners when the Comprehensive Plan for Klamath County was developed and acknowledged November 25, 1981.

**5. HISTORIC USE:**

The subject property has been used for resource purposes for decades, and has/continues to be used for agricultural purposes.

**6. EXCEPTIONS DOCUMENTATION:**

As this is a plan/zone change involving resource plan/zones, an EXCEPTIONS STATEMENT is NOT required. The Department of Land Conservation and Development (DLCD) did NOT respond to this application.

**7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA - ARTICLE 48:**

Klamath County Land Development Code Section 48.030A sets forth the review criteria for approving a comprehensive land use plan change. The criteria and the applicant's evidence which responds to the criteria are as follows:

A. The public need of this change in the Comprehensive Plan is shown by testimony entered by Adkins for ROE.

The Board finds there is demonstrated need for additional agriculturally zoned/planned properties as encouraged by the Statewide Planning Program.

B. The proposed change is in compliance with state-wide planning goals. The relevant state-wide planning goals are; Goals 1- Citizen Involvement, 2- Land Use Planning, 3- Agricultural Lands, 4- Forest Lands,

The subject property was planned and zoned for Forestry use at the request of the property owner in 1981 and endorsed by the Citizens Steering Committee.

Because of its size and present/past use the proposed use for a large agricultural property is found to be of no conflict.



The Board finds a positive impact would be realized by the conversion of the Forest planned zoned property to a Agricultural use to be in harmony with the intent of the Statewide Planning Program in Klamath County, conserving resource properties. The State-Wide Goals of preserving and protecting land uses from conflicting uses are applicable to the subject property. The information set forth hereinabove demonstrates that the change in land use plan for the subject property from F to EFU-CG, will not decrease the forest land inventory to an appreciable degree.

C. The proposed change is in conformance with policies of the Klamath County Comprehensive Plan. The subject application and planned use for the property is congruent with the policies for state-wide planning Goals 1, 2, 3, & 4 which are described hereinabove.

As described above, this area is well-suited for AG use and is a desirable location for the uses proposed.

The Board finds there is a definite demonstrated need for this type of use, a large lot agricultural property. The subject area contains the public and private services which the county deems necessary and services can accommodate the continued use.

8. ZONE CHANGE REVIEW CRITERIA - ARTICLE 47:

Article 47 of the Klamath County Land Development Code contains the review criteria which must be addressed in approving a change of zone. The criteria and the applicants' evidence of compliance therewith is as follows:

A. The proposed change of zone from F to EFU-CG is in conformance with the comprehensive plan and all other provision of the Land Development Code. The relevant comprehensive plan, findings and policies are discussed hereinabove. In addition, many of the Land Development

Code requirements are also discussed above or demonstrated.

B. The property affected by the change of zone is adequate in size and shape to facilitate the uses that are allowed in conjunction with such zoning. The property is 217 acres in size.

The information submitted herewith demonstrates that domestic water, fire protection and septic systems and other required utilities are well suited for the continued use. The subject property is adequate in size and shape to facilitate the planned use.

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 use that may be permitted therein.

The existing/planned use, AG, has long been established on the property. The width and design of the existing road is in compliance with the code. County and state roads which serve the subject property have the capacity to carry the increased traffic which will not be impacted by the minimal increase in residential development this approval may allow.

D. The proposed change of zone will have no adverse effect on the appropriate use and development of adjacent properties. As described above, the subject property lies in the heart of an area which is committed to development as resource uses. The pattern of development surrounding the subject property is agriculture/forestry.

#### **9. OTHER CONSIDERATIONS:**

The subject property does not lie within any identified fish or wildlife resource area. The exception site contains no mineral or aggregate resources, historic or cultural values, energy resources, or other resources listed under Goal 5 of the Klamath County Comprehensive Plan.

The proposal does not conflict with any natural resource values, and it does not conflict with any air, water, or land resource quality criteria.



The subject property is not in an area subject to natural disaster or hazards and is not required for the recreational needs of the state and its visitors. The development of the property will enhance economic development of Klamath County by increasing the tax base value, providing jobs for the citizens that are here and providing demands for the private retail and commercial interests of the area and Klamath County generally.

**10. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission has recommended APPROVAL of this application. The Board sincerely appreciates the Planning Commission effort and involvement with the Planning process. The Board has fully considered the recommendation, Exhibits A-C and testimony entered.

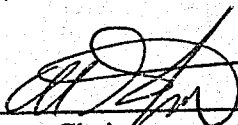
**11. CONCLUSION AND ORDER:**

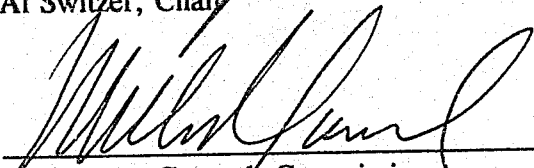
The Board of Commissioners finds the subject property is particularly well suited and sited for agricultural use.

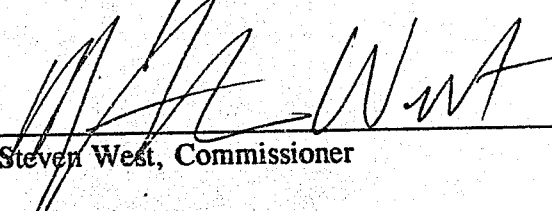
Proper notice of the application and the hearing was given. The intent of the statewide planning goals have been met.

THEREFORE, pursuant to motion made by M. Steven WEST and seconded by William R. GARRARD, it is hereby ordered the change of Comprehensive Land Use Plan designation and re-zoning of the subject property from FORESTRY/F to AGRICULTURE/EFU-CG IS APPROVED.

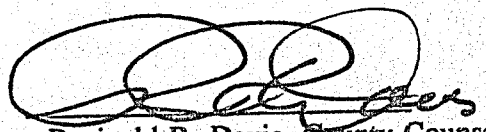
DATED this 3rd day of February, 1997.

  
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Al Switzer, Chair

  
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William R. Garrard, Commissioner

  
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M. Steven West, Commissioner

Approved as to form:

  
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Reginald R. Davis, County Counsel

NOTICE OF APPEAL RIGHTS

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

STATE OF OREGON : COUNTY OF KLAMATH: ss.  
Filed for record at request of Klamath County the 4th day  
of February A.D., 19 97 at 11:33 o'clock A. M., and duly recorded in Vol. M97  
of Deeds on Page 3382  
Return: Commissioners Journal by Bernetha G. Letsch, County Clerk  
Kathleen Rosa  
FEE No Fee