



Return to Commissioner's Journal
BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CHANGING)
THE COMPREHENSIVE PLAN) ORDINANCE 44.139
MAP DESIGNATION FROM)
FORESTRY TO NON-RESOURCE)
AND ASSOCIATED ZONING)
FROM FORESTRY/RANGE TO)
NON-RESOURCE (NR) ON 357)
ACRES OF PROPERTY.)

WHEREAS, the Klamath County Board of Commissioners has the authority and desires to amend the Comprehensive Plan Map, and Official Klamath County Zoning Map; and

WHEREAS, the Klamath County Planning Department provided written notice of the public hearing as required in Klamath County Land Development Code Article 31; and

WHEREAS, a quasi-judicial public hearing was held on February 26, 2019, and a Staff Report was provided, and public testimony was considered before the Klamath County Planning Commission and Board of County Commissioners; and

WHEREAS, based on testimony entered and in consideration of the whole record, the Klamath County Planning Commission adopted as its own the findings of fact provided by the Applicant attached as Exhibit "B" and recommended approval of the amendment of the Comprehensive Plan Map, and Zoning Map; and, said recommendation was forwarded to the Klamath County Board of Commissioners; and

WHEREAS, the Klamath County Board of Commissioners voted to approve the Planning Commission recommendation adopting the finding of fact as submitted by the Applicant and to amend the Comprehensive Plan Map and Zoning Map; and

NOW, THEREFORE, the Klamath County Board of Commissioners ordains that the amendments to the adopted Klamath County Comprehensive Plan and Zoning Map which are attached hereto, marked as Exhibit "A," and Finding of Facts are hereby adopted.

- 1. *The Klamath County Comprehensive Plan - General Land Use Plan Map and Zoning Map are amended as shown on attached Exhibit A.*

DATED this 12 day of March 2019.

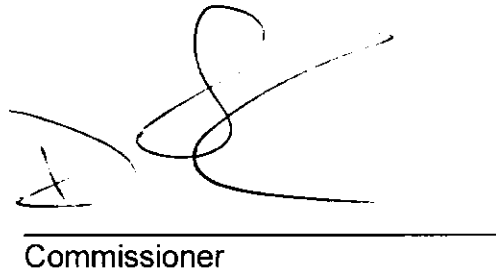
FOR THE BOARD OF COMMISSIONERS



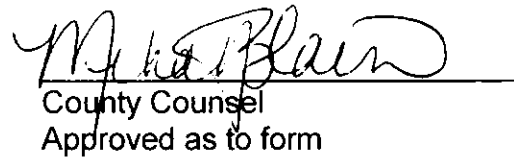
Chair



Commissioner



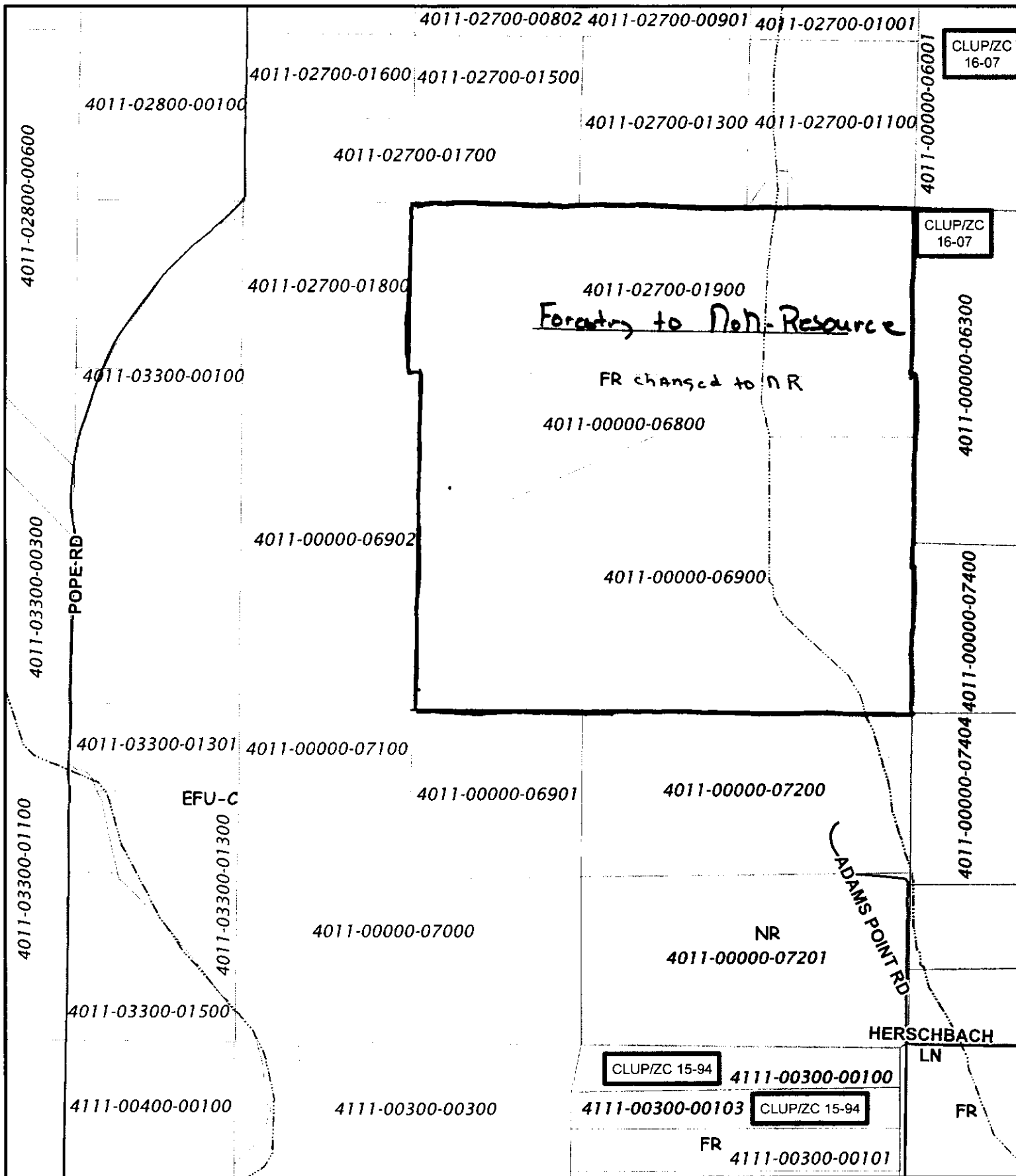
Commissioner



County Counsel
Approved as to form

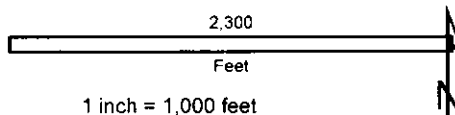
NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) within 21-days following the date of the mailing of this order. Contact LUBA for information as how to file this appeal (LUBA by phone 1-503-373-1265 or by mail at 550 Capitol Street NE, Suite 235, Salem Oregon 97301-2552). Failure to do so in a timely manner may affect your rights.



Klamath County

Exhibit A



Date Printed: _____

This map is for planning purposes only. This map has been prepared for internal use by Klamath County only. Accuracy and completeness is not guaranteed to any other agency, public or private.

Jake and Austyn Weems
1320 shadow LN Klamath Falls
jakeweems@yahoo.com/541-805-5430

Review Criteria for zone change

1. Explain how the proposed change of zone designation is in conformance with the comprehensive plan and does not afford special privileges to an individual property owner not available to the general public or outside the overall public interest for the change.

See info above for references. I believe I will not be afforded special privileges and this exact zone change request has been requested very recently and was approved. As far as interest to the public, I have a few families interested in building in the area and would love to live in the rural community.

2. Explain how the property affected by the change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning.

See above maps and parcel size. I have two parcels that are basically 179 acres each that will be plenty big in size for the proposed zone change.

3. Explain how the property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructure to adequately serve the types of uses allowed in conjunction with such zoning.

See exhibit "A" which shows parcels with easements in relation to public roads.

4. Explain why the proposed change of zone designation will have no significant adverse effect on the appropriate use and development of adjacent properties.

The change will only help with any properties involved and only improve value of surrounding areas.

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5. See attached maps and research.

To whom it may concern:

First of all, thank you for taking the time to review my case. I am writing/proposing a zone change for the land that I own. With that I am requesting a variance as well. We are asking to change the two parcels we own of 179 acres each from Forestry Range to Non-Resource. The biggest reason for this request is the ability to put another residence on one of these parcels. We have young kids right now (5, 4, 2, 22 months, and 5 months old), and grandparents that are possibly moving to Klamath Falls that would love to build a house next to us. This change would minimize any impact on the ground and surrounding due to having limited places to build an additional house, and having to build off a road we will already have built and established. Many houses on the same ridge are zoned non-resource. The soil and vegetation on the land is not able to produce any timber sales. Non-resource land has low productivity for raising crops, livestock, and forest trees and that is exactly what I consider this land.

55.210 – PURPOSE of Forest Range

The purpose of this zone is to promote management and conservation of lands of **mixed farm and forest use**. This productive potential of this land is considered to be greater than that of Non-Resource (NR) zoned lands, but less than that of Farm (EFU) or Forestry (F) zoned lands.

When looking at my soil class (which I attached) you will clearly see there is absolutely no chance for farm use or forest use.

ARTICLE 56

NON-RESOURCE (NR)

56.010 - PURPOSE

The purpose of this zone designation is to implement the non-resource land use designation of the Comprehensive Plan. These are lands that have been found to have a low Forest Site Class value, are predominantly SCS Soil Capability Class VII and VIII.

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Comprehensive Plan designation

Goal 2 Land use planning- 9. POLICY: Klamath County is expected to experience population increases as arrived at based on Cohort Survival Population Projections. The County shall provide support for this population increase by providing sufficient land, community facilities and other community resources. I am trying to get it to Non-resource so I can provide another house on the driveway I am going to build. It states in this policy it is intended to provide a rural lifestyle to people moving to the Basin, I could do this with a zone change to non-resource.

Implementation:

- The County will make available enough developable lands both inside the Klamath Falls Urban Growth Boundary and outside to accommodate this growth.

11. POLICY: Lands which are not agricultural or forest lands as defined in Statewide Planning Goals 3 and 4 shall be designated Non-Resource (NR) and subject to the regulations of the Non-Resource (NR) zone contained in the Land Development Code.

Rationale:

- To identify and plan appropriate uses and densities for non-agricultural and non-forest lands compatible with adjacent resource and non-resource lands and commensurate with existing and proposed levels of services.

The proposed change in land meets these standards directly. The land I possess could not grow any crops or have a chance at any timber sales, as it is all Juniper.

Goal 9- Housing

3. POLICY: The County shall permit development of rural land for residential use on **suitable lot sizes**.

Rationale:

- To provide for the housing needs of citizens of the county.

Implementation:

- Development will be permitted in accordance with the Comprehensive Plan and the Land Development Code.

I want to rezone and have the ability to add another house on my two 179-acre parcel. I cannot do this without rezoning to non-resource. I am already able to build one house on a driveway and it would be

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minimal impact on the ground to build a house off the same driveway. Having two parcels of 179 acres each seems plenty big to build a house.

4. POLICY: The County shall **encourage better utilization of land with moderate slope** (5-25 percent) that has capability for on-site or public services.

Rationale:

- To provide needed housing alternatives.

The property I have and want to build on has a moderate slope to it.

10. POLICY: The County shall encourage developers to use innovative and cost-effective materials, building design, and construction techniques on all types of new housing units, including modular and prefabricated housing, but not impose unreasonable restrictions.

Rationale:

- To provide more affordable housing by reducing construction and design costs.
- To allow for alterations and expansion of housing costs as homeowner incomes and preferences change.

If zone change to non-resource, I am able to split cost of utilities to the property and even give incentives to neighbors for accessing their utility poles.

In conclusion: As it is zoned now I can't even build a guest house without having a family medical emergency, and I feel that is a bit extreme with the amount of acreage involved. The already recorded easements for the parcels are at the edge of properties, impacting very little ground and staying close to the easement for driveway and utility purposes. My wife and I plan to keep all of parcel 2 and be able to sell parcel 3 to family or close friends. I will constantly be working with ODFW to improve deer habitat and wintering range as I live on my land.

Improving their habitat when I live there will be one of the goals and feel this zone change will only help me do that. Please feel free to contact me personally on my cell phone with any questions (listed at top of this document). Again thank you for your time in reviewing this, Jake Weems.

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