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## BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE  
APPLICATION FOR CHANGE  
OF ZONE NUMBER 74-12 BY  
S. W. ELLER AND  
CARROLL SIMONSON

ORDER

JUL 31 8 45 AM 1974

This matter having come on for hearing upon the application of S. W. Eller and Carroll Simonson, said change application being numbered 74-12 and said application having been heretofore recommended from F (Forestry) zone to SP-1 (Rural Residential - 1 Acre) zone by the Klamath County Planning Commission, a description of the real property referred to in said application being marked Exhibit "A", attached hereto and by reference made a part hereof, and a public hearing on said application having been regularly held on May 21, 1974 and continued to June 25, 1974 before the Board of Commissioners, and it appearing to said Board of Commissioners from the testimony, reports, and information produced at said hearing by the applicant, interested parties, the Planning Commission and Planning Department, that the application should be granted, the Board of Commissioners makes the following findings as required by Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

1. The applicant's land is a 53-acre triangular parcel with the longest side, approximately one-half mile, running along Highway 58, a state highway maintained year-round.
2. There is an existing off-ramp from Highway 58 going by the Midstate Electric Company and onto the applicant's property. A preliminary check with the Highway Department indicated no access problem.
3. The property is gently sloping hillside of pumice soil and covered with small unmarketable lodgepole pine.
4. The property involved has a contract right to a reasonable share of the water in a 140-foot deep artesian well.



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5. No landowner within a seven hundred (700) foot radius, excluding highways and rights-of-way, testified in opposition to the proposed zone change.

6. An electric power line runs through the property; the Pacific Northwest Bell underground telephone line lies across the north-west corner of the property; and the Gilchrist school bus travels past the property on Highway 58.

7. A number of subdivisions lie in the immediate area of the property; the subdivisions contain 235 lots of which approximately 200 have been sold.

8. There is a continuing inquiry of residents in the area by travelers on Highway 58 as to the availability of lots in the area.

9. The area is used by numerous people from the Willamette Valley for fishing, camping, snowmobiling and skiing.

10. There is a gas station and small store across the highway from the property.

11. The land immediately fronting on the highway is suitable for commercial enterprises.

12. No change would be needed in the Comprehensive Land Use Plan to effectuate the proposed zone change.

Based upon the above findings of fact, the Board of Commissioners reaches the following conclusions of law:

1. The applicant has demonstrated a public need for a rural residential development in the Crescent Lake Junction area; and

2. Because of the unique shape, location, size and topography, the applicant's land is best suited to carry out and fulfill this demonstrated public need; and

3. The property affected by the zone change is adequate in size, being 53 acres more or less, and shape to facilitate those uses normally allowed in conjunction with the SP-1 zoning; and



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4. The property affected by the proposed zone change is properly related to streets and highways, specifically Highway 58, to adequately serve the type of traffic generated by those uses permissible in the SP-1 zone; and

5. The proposed zone change will have no adverse effect on any property, or the permitted uses thereof, within a seven hundred (700) foot radius, excluding highways and rights-of-way, as was indicated by the absence of adverse testimony from adjacent property owners; and

6. The proposed change is in keeping with any Land Use Plan duly adopted and does in effect represent the highest, best and most appropriate use of the land affected; and

7. The application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of S. W. Eller and Carroll Simonson for a change of zone from F (Forestry) to SP-1 (Rural Residential - 1 Acre) zone, a particular description of the real property referred to in said application being marked Exhibit "A", attached hereto and by reference made a part hereof, said change application being numbered Zone Change 74-12 is hereby approved.

DONE AND DATED THIS 30<sup>th</sup> day of July 1974

*Bryan Williams*  
Chairman of the Board

*R. A. Lyle*  
County Commissioner

Approved as to form

*Harry D. Bolvin*  
Harry D. Bolvin, Legal Counsel

County Commissioner

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(Legal Description for Z.C. 74-12 Eller & Simonson)

All that part of the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and all that part of the SW  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 7, T24 S, R7E W. M., lying northerly and easterly of Highway No. 58, known as Willamette Highway, and, also all of that part of the NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T24S, R7E, W. M., lying northerly and easterly of said Highway No. 58, EXCEPTING that portion deeded to Frederic E. Kerns, et ux., in Deed Volume 346 at page 343, Records of Klamath County, Oregon.

AND

A parcel of land situate in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec. 7, T24S, R7E, W.M. more particularly described as follows: Beginning at the NE Corner of the SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Sec. 7, said Township and Range, thence South along the north south center line of Section 7 198.0 feet to a point, thence west to the east boundary of State Highway No. 58, thence northwesterly along the east boundary line of State Highway No. 58 to a point due west of the point of beginning, thence due east along the north line of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , Sec. 7, to the point of beginning.

State of OREGON,  
County of Klamath  
Filed for record at request of  
KLAMATH COUNTY BOARD OF COMMISSIONERS  
on this 31 day of JULY A.D. 19 74  
at 8:45 o'clock A M. and duly  
recorded in Vol. 11 74 of DEEDS  
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Wm D. MILNE, County Clerk  
By Wm D. Milne Deputy  
Fee NONE

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August 22