

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

RECEIVED
DEC 9 - 1974

IN THE MATTER OF THE)
APPLICATION FOR CHANGE)
OF ZONE NO. 73-80 BY)
HENRY WOLFF, JERRY WOLFF)
AND FLOYD HESCOCK)

O R D E R

This matter having come on for hearing upon the application of Henry Wolff, Jerry Wolff and Floyd Hescok, said change application being numbered Zone Change 73-80 and said application having been heretofore recommended from AF (Agriculture Forestry) zone to SP-1 (Rural Residential) 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 April 1, 1974 and continued to June 24, 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 if changed from AF (Agriculture Forestry) to A (Agriculture), the Board of Commissioners makes the following findings of fact as required by Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

1. The total acreage to be subdivided is approximately 1070 acres. Of the approximate 660 acres north of Sprague River Highway, 160 acres, more or less, are meadowland above the floodplain. The total property, consisting of bullpine timberland with rolling hills and marginal meadowland, is proposed by the applicants to be sold in 50 parcels ranging from

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10 acres or more, and not to be redivided into parcels less than 10 acres. The 410-acre parcel south of Sprague River Highway, 220 acres of which are meadowland, is intended by the applicant to be sold, in part, for small ranches of larger than 10-acre lot sizes.

2. All but 5 of the proposed individual parcels should include meadowland for grazing of livestock and planting of a garden for family purposes, and hill land area for building a home.

3. The Oregon State Game Commission staff has pointed out, as shown in Exhibit B, that there is a variety of wildlife in the area, that the Wolff ranch is not suitable deer habitat, and that there is good critical deer winter range on U. S. Forest Service land adjacent to the southerly boundary of the applicants' property.

4. The property is located approximately 9 miles from the town of Chiloquin and 16 miles from the community of Sprague River.

5. There is no property for sale within a 6-mile radius offering parcels of 20 acres or more. Two Klamath County developers testified that they knew of no such property for sale in the area and also stated they had daily inquiries from prospective purchasers who wanted to buy this type and size of property.

6. The applicants have received more than 24 inquiries from people wanting to buy acreage lots over 20 acres with trees, privacy, and a place to keep horses and cattle.

7. Electric power is available. The Department of Environmental Quality has given a septic tank feasibility statement on a portion of the land. Wells, with sufficient flow and quality of water for residential purposes, have been drilled at 90 to 200-foot depths in the vicinity of the applicants' land.

8. Traffic access is via the Sprague River Highway, a paved public highway, with a public school bus running by the property.

9. The applicants agreed to provide deeds having restrictive provisions that would prohibit division of the property into lots of less than 10 acres for a 30-year period, and at that time, if the owners of record do not consent to changing this provision, it would remain in effect for an additional 30 years.

10. The applicants propose the floodplain would be identified by a Registered Engineer and construction of dwellings would be prohibited in the floodplain area.

11. The applicants would not object to a minimum 10- to 20-acre lot size on the area involved.

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

1. The applicants have demonstrated the public need for an A (Agriculture) zone containing lots with a minimum of 10 acres which combine trees, privacy and a place to raise livestock and gardens.

2. Because of the unique size, shape, location and topography, the applicants' land is the best suited land available to carry out and fulfill this demonstrated public need, provided the floodplain for the area is identified by a Registered Engineer and dwelling construction is not permitted therein.

3. The property affected by the zone change is adequate in size, being 1070 acres, more or less, and shape, being irregularly shaped but of adequate width and depth, to facilitate those uses normally allowed in conjunction with agriculture zoning, with a minimum 10-acre lot size, provided that the property located along the southern property boundary

is sold in not less than minimum lot sizes of 20 acres to provide a suitable reduction in activity from agricultural activity on 10-acre lots on the applicants' land to forestry activity south of the applicants' land applicable only to land lying south of the Sprague River Highway, and the balance of the property is sold in parcels of 10 acres or larger, except as hereinafter specified in Conclusion No. 5.

4. The property affected by the proposed zone change is properly related to streets and highways, specifically the Sprague River Highway, to adequately serve the type of traffic generated by those uses permissible in an agriculture zone, as modified by the limitations contained in the other conclusions of law herein.

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, provided that property on the applicants' southerly property line is divided into not less than 20-acre parcels.

6. The placement of one home for each 20 acres of land in that portion of the applicants' property which is currently zoned SP-2 (Critical Deer Winter Range), or adjacent to SP-2 zoned land, will not have an adverse effect upon the wintering deer herds in the area, as shown by Exhibit B.

7. 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.

8. The application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps, which designate the applicants' land Agriculture, and text.

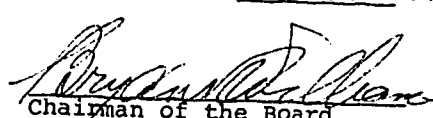
NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Henry Wolff, Jerry Wolff and Floyd Hescok for a zone change from AF (Agriculture Forestry) zone to A (Agriculture)

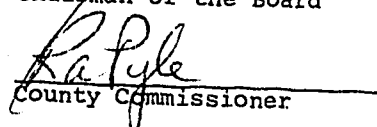
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zone, a particular description of the real property referred to in said application being attached hereto, marked Exhibit A, and by reference made a part hereof, said change application being numbered Zone Change 73-80 is approved on the following conditions:

1. Applicants cause an Oregon Registered Professional Engineer to identify the floodplain on applicants' land involved in this zone change and make a map designating said floodplain.
2. No dwellings be permitted on said floodplain as designated.
3. The minimum lot size shall be 10 acres except that property located south of the Sprague River Highway shall be sold in lot sizes not less than 20 acres adjacent to the applicants' southerly lot line.
4. The 80 acres currently zoned SP-2 (Critical Deer Winter Range) shall retain the SP-2 overlying zone designation.

DONE AND DATED THIS 9th day of Dec. 1974.


Chairman of the Board


County Commissioner

County Commissioner

Approved as to form


County Legal Counsel

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EXHIBIT A

Legal Description for Z.C. 73-80 Wolff

160 Acres:

The Southwest one-quarter of Section 36, Township 34 South Range 8 East of the Willamette Meridian.

500 Acres:

The SW $\frac{1}{4}$ of Sec. 25, the S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 25, the NW $\frac{1}{4}$ of Sec. 36. That portion west of the Sprague River in the NE $\frac{1}{4}$ of Sec. 36, approximately 90 acres more or less. The NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Sec. 36, all in T34S, R8E W.M.

280 Acres:

That portion South of the Sprague River Hwy. in the NE $\frac{1}{4}$ of Sec. 1. The SE $\frac{1}{4}$ of Sec. 1. The NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 12, all in T35S, R8E W.M.

130 Acres:

That portion south of the Sprague River Highway in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ in Sec. 6, approximately 10 acres more or less. The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Sec. 6. The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 7, all in T35S, R9E W.M. All of above in Klamath County, Oregon.

STATE OF OREGON, }
County of Klamath } ss.

Filed for record at request of:
Klamath Co. Bd. of Comm.

on this 9th day of December A. D., 1974
at 12:55 o'clock P. M. and duly
recorded in Vol. M-74 of Deed
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WM. D. MILNE, County Clerk

Fee No Fee By William D. Milne Deputy.