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BEFORE THE KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

In the Matter of the Application)
for Zone Change No. 74-80 by)
WARD L. EDWARDS dba KENO MEATS) O R D E R

JUN 8 1975

RECEIVED

11:30 am

This matter came on for hearing upon the application of WARD L. EDWARDS dba KENO MEATS for a Zone Change from AF (Agriculture Forestry) zone to the C-5 (Highway Commercial) zone. The Klamath County Planning Commission at its meeting on February 25, 1975 heard testimony concerning the within change and took the matter under advisement. Subsequently, Robert Puckett, attorney for the applicant, submitted a written argument on March 24, 1975. Timothy A. Bailey, attorney for contestants submitted an argument on April 1, 1975. Robert Puckett, of attorneys for applicant, submitted a rebuttal argument on April 2, 1975. The arguments along with the minutes of the meeting of February 25, 1975 were mailed to the Planning Commission. The Klamath County Planning Commission at its meeting on April 22, 1975, determined that the Comprehensive Land Use Plan should be changed and makes the following Findings of

Fact:

1. Applicant has requested a zoning correction under Article 112 and Section 11.007 of Ordinance No. 17.
2. Applicant owns 20 acres of land, more or less, a description of which is attached hereto, marked Exhibit "A", and

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by this reference incorporated herein, of which approximately one-half acre generally described as being located in the most southeasterly corner of the applicant's property with a depth of 200 feet and a frontage of 160 feet on the Keno-Worden Road and is the subject of this application.

3. Applicant acquired an ownership interest in the property prior to adoption of county-wide zoning on December 7, 1972.

4. Applicant had not conducted any form of a meat business on said property prior to December 7, 1972.

5. Applicant had expended at least \$954.00, not including the value of the applicant's own labor or the labor of the resident of a mobile home on his property, or of items traded.

6. Applicant, prior to December 7, 1972, altered the building from a residential configuration to a meat shop configuration by installing a clear span roof, removing windows from space to be used for the meat cooler, and altering the building for installation of cooler doors.

7. The present value of the applicant's shop is at least \$16,483.00, the value placed on the property by the Klamath County Assessor's office.

8. Applicant acquired meat cooler doors prior to December 7, 1972.

9. Applicant conducted a continuing series of actions of land filling, attempted roof construction, roof construction with the assistance of a building contractor, window removal and door removal.

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10. Mr. Gordon testified that lawful notice of Klamath County's intent to act on a county-wide land use plan and zoning had been given in the summer of 1972.

11. The C-5 zone provides for uses consistent with the applicant's use of the land.

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. Applicant had not conducted any form of a meat business on the premises prior to the adoption of county-wide zoning on December 7, 1972, and for this reason the substantial expenditure test specified in Section 15.018-(S) of the Klamath County Zoning Ordinance must be applied in this case.

2. Improvements made to the building and acquisition of cooler doors which occurred before December 7, 1972, constitute substantial and significant acts rising above the mere contemplation of putting in a meat shop.

3. The ratio of expenditures made prior to December 7, 1972, on the shop building to the finished value of the building, or \$945.00 as opposed to \$16,483.00, expressed as a percent is 6%, not including the value of items traded or of labor performed, and as such is a significant enough percentage to justify a Change of Zone when considered with the other factors in the case.

4. Applicant's continuing series of land filling, construction, and remodeling actions demonstrates good faith in carrying out the intention to construct a meat shop.

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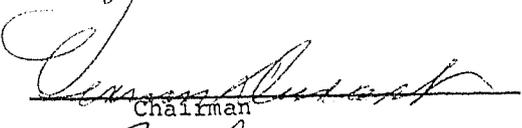
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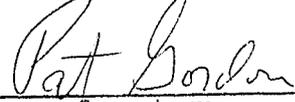
5. Applicant had constructive notice that Klamath County was affirmatively acting on the adoption of a county-wide land use plan and zoning during the time improvements were being made on the applicant's property.

6. The applicant's installation of a clear span roof in combination with doors and window modifications constitute a type of improvement peculiar to a meat shop which were not demonstrated to be useful for any other specific purpose.

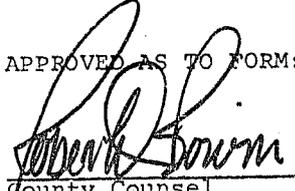
NOW, THEREFORE, IT IS HEREBY ORDERED that the application of WARD L. EDWARDS dba KENO MEATS for a change of zone from AF (Agriculture-Forestry) zone to the C-5 (Highway Commercial) zone, a particular description of the real property referred to in said application being attached hereto marked Exhibit "A" and incorporated by reference herein, said change of zone application being numbered Zone Change No. 74-80 is hereby approved.

DONE and DATED this 5th day of June 1975.


Chairman


Secretary

APPROVED AS TO FORM:


County Counsel

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EXHIBIT A
LEGAL DESCRIPTION
ZONE CHANGE 74-80

Ward Edwards

A portion of lot 8 Section 6 Township 40 South, Range 8 East of the Willamette Meridian.

Beginning at a point on the East line of lot 8 Section 6 Township 40 S., Range 8 E.W.M. 660.00 ft South from the Northeast corner of said lot 8; thence West at right angles to said East line of said lot 8 to a point on the easterly line of Keno-Worden highway and the point of beginning of this description; thence Northwesterly along said easterly line of said highway 160.00 ft; thence East 200.00 ft; thence Southeasterly parallel with and 200.00 ft from the Keno-Worden highway 160.00 ft; thence West 200.00 ft. to said highway right of way and point of beginning of this description.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KIAMATH COUNTY PLANNING DEPT.,
this 6th day of June A. D. 1975 at 11:30 o'clock A.M., and
duly recorded in Vol. M 75 of DEEDS on Page 6294

FEE NONE

By Wm. D. MILNE County Clerk
Hazel Brazil