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BEFORE THE 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 75-7
by PRENTISS K. PUCKETT

O R D E R

THIS MATTER having come on for hearing upon the application of PRENTISS K. PUCKETT for a zone change from AF to A on real property more particularly described in Exhibit "A", attached to this application and incorporated by reference herein. A public hearing on the application having been heard by the Klamath County Planning Commission on June 24, 1975 where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department staff, and other persons in attendance, the Planning Commission recommended approval of the application. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on August 20, 1975 where from the testimony it appeared that the record below was accurate and complete and it appearing from the testimony reports and information produced at the hearing below that the application should be granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

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1. Applicant owns real property more particularly described in Exhibit "A" attached hereto and by reference incorporated herein. The property which is subject to this zone change consists of 10.8 acres of land. The Merrill Highway runs in a northwesterly-southeasterly direction and touches the subject property on the southwesterly tip. Lost River crosses the property as well as a D2 lateral causing a fracturing of the property into three agricultural units: a 20-acre parcel, a 12-acre parcel and the subject 10.8 acre parcel. Of the 10.8 acres, 4.6 acres borders Lost River and is generally lower land and has been known to flood. The remaining 6.2 acres is a parcel of ground of higher elevation by 40 feet.

2. The applicant seeks a zone change on the property in order to construct a new dwelling house. Access and egress is by road shown in applicant's Exhibit "A" which have the characteristics of a public road.

3. Within 250 feet of applicant's property, is a 3-1/2 acre parcel. On the southern boundary marked by Anderson Road, there are various small parcel of from two to five acres. Also, from the Merrill Highway to Hill Road there are six or seven units similar in size to the applicant's requested parcel.

4. Because of Lost River and the laterals crossing the applicant's property, the 10.8 acres in question is not an economically agricultural unit, together with the remaining 12-acre parcel and 20-acre parcel also owned by the applicant.

5. Sewer service in the area would be by individual septic tank which the DEQ has found suitable for subsurface sewage

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disposal. The soil is of sandy loam type. Water will be provided by individual well. Soil in the area is generally suitable for homesites. Irrigation is provided by Lost River as well as the D-2 lateral and excepting the 4.6 acres bordering on Lost River, the land appears to have adequate drainage.

6. This proposed change will have no adverse effect upon any property or the permitted uses thereof within a 700 foot radius, as evidenced by the record and the lack of adverse testimony from adjacent property owners.

CONCLUSIONS OF LAW:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning.

2. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein.

3. The proposed change of zone will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed change of zone is in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.

8. That the proposed change of zone does in effect represent the highest, best and most appropriate use of the land

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and is in keeping with the intended purpose of ORS 215.055 and the Comprehensive Land Use Plan Map and Text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of PRENTISS K. PUCKETT for a change of zone from AF to A, a more particular description of the real property referred to in said application being attached hereto, marked Exhibit "A" and incorporated by reference herein. Said application being numbered 75-7 is hereby granted.

DONE and DATED this 24th day of September, 1975.

BOARD OF COUNTY COMMISSIONERS

By Lloyd Giff
Chairman

By Raymond V. Thorne
Commissioner

By _____
Commissioner

APPROVED AS TO FORM:

Robert Strum
County Counsel

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EXHIBIT A
LEGAL DESCRIPTION
ZONE CHANGE 75-7

P.K. PUCKETT

Generally located on the northeasterly side of the Klamath Falls-Malin Highway, approximately 200 feet north of where the DC Highway goes over the C Canal, more particularly described as

All that portion of the following-described real property lying northerly of Anderson Road and northwesterly of the D-2 U.S.3.R. Lateral which lateral runs in a northerly direction; said property being bounded on the east by said lateral and on the south by said Anderson Rd. and on the west by Hwy. 39, and on the north by Lost River, and the north line of the above-described property, set forth below, extended from Lost River east to said lateral, situate in Klamath County, Oregon:

All that portion of Lot 1 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Township 40 So., Range 10 EWM, lying south and west of a line drawn parallel to and distant 75 feet southwesterly of the center line of the railway of the G.N. Railway Co., said center line being more particularly described as follows:

Beginning at a point in the westerly boundary of said Section 35, 767.8 feet northerly from the one-quarter corner on the west boundary of said Section 35; thence southeasterly along a straight line making a southeasterly, included angles, 28° 38' with said westerly boundary a distance of 3914.9 feet to an intersection with the southerly boundary of said Section 35 at a point distance 775.8' westerly from the south one-quarter of said Section 35;

All that portion of Lot 5 of Section 34, Township 40 So., Range 10 EWM, lying north and east of the most easterly boundary of property conveyed to State of Oregon by and through its State Highway Commission by deed dated April 19, 1940 and recorded May 1, 1940 in Deed Volume 120 at page 59;

Excepting from the above-described land that portion of Lot 5 of said Section 34 and that portion of Lot 1 of said Section 35 conveyed to United States of America by deed dated March 28, 1910 and recorded April 2, 1910 in Deed Volume 28 at page 568.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 24 day of Sept A. D., 1975 at 4:26 o'clock p.M., and duly recorded in

Vol. M.75, of Deed on Page 11600.

no fee

By WM. D. MILNE County Clerk Deputy

75 SEP 21