

10052

BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE)
APPLICATION FOR ZONE)
CHANGE NO. 75-22 BY)
DALE AND CAROL RICK)

O R D E R

THIS MATTER having come on for hearing upon the application No. 75-22 by DALE AND CAROL RICK for a change of zone from AF (Agricultural Forestry) to A (Light Agricultural) on real property described in Exhibit A, attached hereto and by reference made a part hereof, and a public hearing on the application having been heard by the Klamath County Planning Commission on November 25, 1975, where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning staff and others in attendance, the Planning Commission recommended approval of the application. Following action by the Board of County Commissioners on January 6, 1976, where from the testimony it appeared that the record was accurate and complete and it appearing from the reports and information produced at the hearing that the application should be granted, the Board of County Commissioners makes the following findings of fact and conclusions of law in compliance with Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. Applicant seeks a change in zone from AF (Agricultural Forestry) to A (Light Agricultural) on a 1.89-acre parcel which is a portion of a larger approximately 54-acre farm.
2. The AF zone under Ordinance No. 17 specifies a minimum lot size of 20 acres. The A zone specifies a minimum lot size of 1 acre.
3. Applicant wishes to sell the 1.89 acres with a house, garage, barn, septic tank and well. Said parcel is located on Suty Rd., a county road, is abutted by a drain canal on the south, and by a fence line to the north which divides and creates the 1.89-acre parcel.
4. Applicant will retain and farm the adjacent remaining 52.1 acres north of subject parcel but does not wish to continue to rent the 1.89 acres which is located 10 miles from his own residence.
5. Mrs. Dearborn, a local realtor, states that she has a buyer for the subject parcel if the zone change is approved.
6. Mrs. Dearborn states that out of approximately 100

1852

ORDER: ZONE CHANGE NO. 75-22
DALE AND CAROL RICK
Page 2 of

inquiries for small farm parcels, she is able to fill less than 10 percent; the demand is high and so is the price.

7. The trend in the area is for residential small farms.
8. There is no potential for raising trees on subject property.

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. 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.
5. The proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application by DALE AND CAROL RICK for a change of zone from AF (Agricultural Forestry) to A (Light Agricultural) on real property described in Exhibit A, attached hereto and by reference made a part hereof, said application being numbered Zone Change 75-22 is hereby granted.

DONE AND DATED THIS 9th day of February 1970.

Raymond P. Thorne
Chairman

Commissioner

Bryan Williams
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
Legal Counsel

B

1853

EXHIBIT A
LEGAL DESCRIPTION
ZONE CHANGE 75-22

A parcel of land situated in Section 13, T41S, R11E, W.M., Klamath County, Oregon being more particularly described as follows:

Commencing at a one inch pipe in the centerline of Suty Road, a County Road and marking the east $\frac{1}{4}$ corner of said Section 13; thence NORTH along the centerline of said Suty Road and the east line of said Section 13, 882.32 feet to the intersection of the northerly right-of-way line of the U.S.B.R. Klamath Project, "J" Canal with said east section line and marking the POINT OF BEGINNING for this description; thence continuing NORTH along said east section line, 135.07 feet; thence leaving said east section line S89°55'40"W, 30.00 feet to a 5/8 inch iron pin in the westerly right-of-way line of said Suty Road; thence continuing S89°55'40"W, 327.29 feet to a 5/8 inch iron pin; thence N88°15'20"W, 436.21 feet to a 5/8 inch iron pin at a point on curve of said canal northerly right-of-way line; thence along the arc of a 452.96 feet radius curve to the left (delta = 21°17'42"; long chord = S68°11'09"E, 167.38 feet) 162.35 feet to the end of curve; thence continuing along said northerly canal right-of-way line the following courses and distances: S78°50'E, 188.9 feet; S11°10'W, 10.00 feet; S78°50'E, 463.29 feet to the point of beginning containing 1.89 acres more or less.

Excepting therefrom:

That portion of the above described property lying with the right-of-way of said Suty Road.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS

this 10th day of FEBRUARY A.D. 1976 at 8:54 o'clock A.M. and

duly recorded in Vol. N 76 of DEEDS on Page 1851

NO FEE XX

Wm D. MILNE, County Clerk

Hazel Drazie