

10-195

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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 COMPREHENSIVE LAND USE PLAN
CHANGE ASSOCIATED WITH ZONE CHANGE
NO. 75-14 BY BRUCE BUCKLEY

ORDER

THIS MATTER having come on for hearing upon the application of BRUCE BUCKLEY for an amendment to the Comprehensive Land Use Plan accompanying Zone Change No. 75-14 for a change from Agriculture designation to Suburban Density Residential designation on that real property described on Exhibit A, attached hereto and by reference made a part hereof, and a public hearing having been heard by the Klamath County Planning Commission on September 23, 1975, where from the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department staff and others in attendance, the Planning Commission recommended approval. Following action by the Planning Commission, a public hearing was regularly held before the Board of County Commissioners on January 27, 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 there was substantial evidence for the action taken by the Planning Commission and that the application should be granted, the Board of Commissioners makes the following findings of fact and conclusions of law in accordance with Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. Applicant is requesting a change on the Comprehensive Land Use Plan map from Agriculture to Suburban Density Residential on property covering 18,225 sq. ft. which was purchased from Leonard McDonald in August 1974, located in the southeast corner of Section 34, Township 39 So., Range 12 EWM, lying west of Gale Rd., northeast of Langell Valley Rd., and situated in downtown Lorella.
2. Subject property contains a home, front and rear yards and a garden spot. The surrounding area consists of small acreages containing the Langell Valley Water District with 2 houses, a shop and pasture land to the south; a grange hall, the Lorella store, a residential acre to the west and pasture land to the north and east.
3. There is a septic tank on subject property and water is provided from a private well on adjoining property. Traffic access is off of Gale Road.

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4. Applicant testified that he has a buyer for the subject property but could not sell under the present AF zone which has a 20-acre minimum lot size restriction. Applicant plans no changes in structure or population density.

5. Applicant testified that the original 1½ acres were owned by Mr. Leonard McDonald who at first rented and then sold the subject property to Mr. Buckley. Neither Mr. Buckley nor Mr. McDonald were aware of zoning restrictions during the transaction of the subject property, both parties being from out of state.

6. Mr. Dehlinger, a local realtor, stated that he felt there had been a zoning error on the original 1½ acres since it had existed as early as 1950 when he personally lived in the area. He did not feel a change in the land use or zone would adversely affect the subject area since the homes had been on the property prior to zoning.

7. Legal Counsel clarified that the subject property of 18,225 sq. ft. is not a grandfathered situation because it was created after zoning. Prior to zoning, the subject lot plus Mr. McDonald's property was under one ownership and one parcel.

8. Applicant appeared before the Planning Commission on November 12, 1975, and received approval of a variance in lot size from 20,000 sq. ft. minimum lot size to 18,225 sq. ft., contingent on the approval of the zone change from AF to RA by the Board of Commissioners.

Conclusions of Law:

1. The property affected by the change in land use is adequate in size and shape to facilitate those uses normally allowed in conjunction with such Comprehensive Land Use Plan designation in that the applicant received an approved variance in lot size from 20,000 sq. ft. to 18,225 sq. ft.

2. The property affected by the Comprehensive Land Use Plan change is properly related to streets and highways, namely Gale Road, to adequately serve the type of traffic generated by the intended residential use.

3. The proposed Comprehensive Land Use Plan change will have no adverse effect upon any property or the permitted uses thereof within the affected area as shown from a lack of adverse testimony in the matter.

4. The proposed Comprehensive Land Use Plan change 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.

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5. The proposed Comprehensive Land Use Plan change does in effect represent the highest, best and most appropriate use of the land 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 for amendment to Comprehensive Land Use Plan accompanying Change of Zone No. 75-14 by BRUCE BUCKLEY requesting a change from Agriculture to Suburban Density Residential designation on real property described on Exhibit A, attached hereto and by reference made a part hereof, is hereby approved.

DONE AND DATED THIS 4th day of March 1976.

Raymond P. Brown
Chairman

Commissioner

Logd Gift
Commissioner

APPROVED AS TO FORM
Boivin and Boivin
Legal Counsel

BY *Robert D. Brown*

EXHIBIT

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EXHIBIT A

(Legal description for Bruce Buckley Z.C. 75-14)

Beginning at a point 350 feet north of the southeast corner of Section 34, T39S, R12E.W.M.; thence west 166 feet along the existing wire fence; thence north 35 feet along said fence to the southwest corner of an existing building; thence east along the south line of said building 24 feet; thence north along the east line of said building and along the existing fence 100 feet; thence east 145 feet to the east line of said Section 34; thence south 135 feet to the point of beginning. EXCEPTING the east 30 feet along the east side for road purposes as conveyed to Klamath County in Book 286 at page 510. Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I, the undersigned, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.

Witness my hand and seal of office this 15th day of March, A.D. 1976, at 2:50 o'clock PM, in and for said County of Klamath, State of Oregon.

Duly recorded in Vol. 176, of 1976, at 3:16 PM.

TO BE

W. D. MINE, County Clerk

By *Hazel Drayton*

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