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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 ZONE)
 CHANGE NO. 75-14 BY) O R D E R
 BRUCE BUCKLEY,)

THIS MATTER having come on for hearing upon the application No. 75-14 by BRUCE BUCKLEY for a change of zone from AF (Agricultural Forestry) to RA (Residential Agriculture) on real property described on 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 September 23, 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 Planning Commission, a public hearing was 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 seeks a change in zone from AF (Agricultural Forestry) to RA (Residential Agriculture) 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 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 $1\frac{1}{2}$ 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, according to testimony, 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 $1\frac{1}{2}$ 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 existed as one parcel under one ownership.

8. Applicant appeared before the Planning Commission on November 12, 1975, and obtained approval of a variance in lot size from 20,000 sq. ft. minimum lot size in the RA zone 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 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 upon any property or the permitted uses thereon within the affected area as shown from a lack of adverse testimony in the matter.

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.

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NOW, THEREFORE, IT IS HEREBY ORDERED that the application for amendment to the zoning maps for a change of zone from AF (Agricultural Forestry) to RA (Residential Agricultural) on real property described in Exhibit A, attached hereto and by reference made a part hereof, said application being numbered Zone Change No. 75-14, is hereby granted.

BOARD OF COUNTY COMMISSIONERS

Commissioner

Lloyd Gust
Commissioner

BY

7C-MAP

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

STATE OF OREGON; COUNTY OF KLAMATH; ss.
I, _____, Clerk of said County,
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.

Dated at Medford, Oregon, this 1st day of July, A.D. 1976.
Attest my hand and seal of office this 1st day of July, A.D. 1976.

Clerk of said County

WITNESSES my hand and seal of office this 1st day of July, A.D. 1976.

Notary Public for Oregon

FILED FOR RECORD AT REQUEST OF - HAZEL K. MAZIE
on 5th day of JULY, A.D. 1976, at Medford, Oregon.
Tuly recorded in Vol. 2176, of 1976, Page 3173

By Hazel K. Mazie
Hazel K. Mazie

By Hazel Hazen