

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 76-26, DAVID VANDENBERG )  
FOR RAFTER NINE CORPORATION )

O R D E R

THIS MATTER having come on for hearing upon the application of David Vandenberg for Rafter Nine Corporation for a Zone Change from AF (Agricultural Forestry) to SP-12 (Quarry) on real property more particularly described in Exhibit "A", attached hereto and by reference made a part hereof. A public hearing on the application having been heard by the Klamath County Planning Commission on January 11th, 1977, 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 February 15th, 1977, where 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:

Findings of Fact:

1. Applicant indicated to the staff and Planning Commission that the proposed site was 1.9 acres in size and shape and, therefore, the site was large enough to accommodate said use.
2. Adams Point Road, being a County Road, was indicated to the Planning Commission as being adequate to serve their type of traffic which would be for cement trucks.
3. Applicant also testified that Adams Point Road, which was pointed out on Klamath County Exhibit C, which was made part of the record on January 11th, 1977, was already being utilized by cattle trucks and, therefore, able to carry truck-type traffic.
4. The proposed zone change, as indicated to the Planning Commission, Staff and other persons in attendance, that the change from AF (Agricultural Forestry) to SP-12 (Quarry) will have no adverse affect on abutting properties.
5. Applicant indicated on January 11th, 1977, to the Planning Commission in order to build a proper record for the Board of Commissioners, that there was a need for a batch plant in the southern end of the County in order to serve the people of the Malin, Tulelake and Merrill area.



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6. Testimony indicated by applicant that with approval of the Zone Change, this would cut down cost of concrete and also save time getting mix to the surrounding areas.

7. The Zone Change presented to the Planning Commission indicated on January 11, 1977, that this type of change from AF (Agricultural Forestry) to SP-12 (Quarry) is the best and most appropriate change in order to serve the immediate areas.

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.

5. That 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 of David Vandenberg for Rafter Nine Corporation for a change in Zone from AF (Agricultural Forestry) to SP-12 (Quarry) a more particular description of the real property referred to in Exhibit "A", attached hereto and by reference made a part hereof, said application being Zone Change 76-26, is hereby granted.

DONE AND DATED THIS 14th day of March, 1977.

*Lloyd Gift*

Lloyd Gift

Chairman

*Nell Kuonen*

Nell Kuonen

County Commissioner

APPROVED AS TO FORM:  
Boivin, Boivin & Aspell  
County Legal Counsel

Raymond Thorne  
County Commissioner

By

*Bradley Aspell*



## EXHIBIT A

## LEGAL DESCRIPTION

COMPREHENSIVE LAND USE PLAN CHANGE  
AND ZONE CHANGE 76-26  
David Vandenberg for Rafter Nine

A piece or parcel of land situate in the SW $\frac{1}{4}$  - NW $\frac{1}{4}$  of Section 2, T. 41 S., R. 11 E., W.M., being more particularly described as follows:

Beginning at a point in the easterly right-of-way fence of the existing county road along the west line of said Section 2, from which point the East  $\frac{1}{4}$  corner of Section 10, T. 41 S., R. 11 E., W. M. bears N 89° 07' 50" W 27.0 feet and S 0° 02' 50" W 6148.5 feet distant; thence N 0° 02' 50" E along said easterly right-of-way fence 439.88 feet to a 5/8" iron pin; thence S 89° 57' 10" E 194.20 feet to a 5/8" iron pin reference monument; thence S 89° 57' 10" E 3.60 feet to a point; thence S 2° 15' 20" W 442.96 feet to a 5/8" iron pin; thence N 89° 07' 50" W 180.8 feet to the point of beginning, containing 1.90 acres, more or less, and being subject to all rights-of-way and/or easements of record or apparent on the premises.

STATE OF OREGON; COUNTY OF KLAMATH; ss

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS  
this 6th day of APRIL, A.D. 1977, at 11:09 o'clock A.M., and  
duly recorded in Vol. M77, of DEEDS on Page 5731

FEE NONE

Wm D. MILNE, County Clerk

*[Signature]*