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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 76-3,)
KEITH READ FOR KLAMATH COUNTY)

O R D E R

THIS MATTER having come on for hearing upon the application of Keith Read for Zone Change 76-3 for a change from A (Agricultural) to SP-10 (Regional Recreation). A public hearing having been heard by the Klamath County Planning Commission on April 27, 1976, which was continued to May 4, 1976. On May 4, 1976, the Planning Commission continued the matter to June 1, 1976, for decision only. On June 1, 1976, the Planning Commission recommended approval to the Board of County Commissioners. On June 15, 1976, the matter was heard before the Board of County Commissioners at which time they sent the matter back to the Planning Commission for a new decision. On September 14, 1976, the Planning Commission recommended approval to the Board of County Commissioners. On October 18, 1976, the Board of County Commissioners continued the matter to November 23, 1976. On November 23, 1976, the Board of County Commissioners referred the matter back to the Planning Commission for a new hearing. On January 11, 1977, the Planning Commission continued the matter to February 8, 1977, because of the lack of time to hear the matter properly that evening. On February 8, 1977, where from the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, the Planning Commission recommended to continue Zone Change 76-3, Keith Read for Klamath County, to February 22, 1977, for decision only. On February 11, 1977, copies of the Rough Draft Planning Commission Minutes of February 8, 1977, were sent to the Planning Commission, as well as the applicant and Enver Bozgoz. On February 22, 1977, all testimony and exhibits from the April 27, 1976, May 4, 1976, June 1, 1976, September 14, 1976 and January 11, 1977 hearings were introduced into and made a part of the record, the Planning Commission, after reviewing the record, recommended to the Board of County Commissioners for approval of said Zone Change 76-3. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on March 10, 1977, 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 for change of zone on certain real property described in Exhibit A, which is attached hereto and incorporated by reference herein, the Board of County Commissioners made a motion to render a decision only in thirty (30) days. After the Board of County Commissioners reviewed all testimony and exhibits presented by the Planning Department Staff, Applicant and Opposition, the Board of County Commissioners made a motion to approve Zone Change 76-3, Keith Read for Klamath County.

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

Findings of Fact:

1. Ordinance 17, Article 112, Section 112.001, The Intent of a Change of Zone, states that before the Board of County Commissioners may grant a change of zone they shall determine size and shape of a proposed parcel that is being considered for a Zone Change. Testimony, before the Planning Commission on February 8, 1977, indicated by the Planning Department Staff and applicant that proposed parcel was a 40 acre parcel and appears on Klamath County Exhibit C, being the Klamath County Assessor's map, as being almost square in shape and approximately 1300 feet by 1300 feet and, therefore, is adequate in size and shape to facilitate the proposed use for the Zone Change and that the proposed lot met the Property Development Standards of the SP-10 (Regional Recreation) zone which is a 35 acre minimum lot size.
2. Testimony, by the applicant on February 8, 1977, indicated that the proposed site for the Zone Change to SP-10 (Regional Recreation) zone was located $\frac{1}{4}$ mile southeast of Old Fort Road where it intersects the plat of Vista Gardens and is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 38, Range 9, East of the Willamette Meridian and is approximately 40 acres in size.
3. Testimony on February 8, 1977, indicated that the property has access from Old Fort Road. Applicant indicated that there would be a limited increase of traffic at this point of access as this is the same access being utilized for the existing sanitary landfill.
4. Testimony indicated that the proposed site, which is located $\frac{1}{4}$ mile southeast of Old Fort Road where it intersects the plat of Vista Gardens and is located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27, Township 38, Range 9, East of the Willamette Meridian, is approximately 40 acres in size, is vacant and joins the present landfill to the east. The present site is reaching its practical capacity with the present life being that of two to four years.
5. Testimony by the applicant to the Planning Commission and Board of County Commissioners indicated that they (the locations) had been rejected for various reasons, those reasons stated by the applicant, being Keith Read, were:
 - a. One site did not have access.
 - b. One site had insufficient soil.
 - c. Two owners did not wish to sell.
 - d. One site did not have enough soil on site for coverage of debris and materials.

6. Keith Read of the Klamath County Sanitation Department testified before the Planning Commission that if a new site to an SP-10 (Regional Recreation) zone is not established, a sanitary landfill situation could become quite difficult for Klamath County in the future, that is a health problem, as well as a cost problem could occur.

7. Applicant testified that the proposed 40 acre parcel is in keeping with the best use for the affected land for a Zone Change in that a change to Regional Recreation on the proposed site will have the appropriate fencing, compacting materials and debris and meet all other sanitary rules and that this proposed site abuts an existing sanitary landfill.

8. Testimony from Keith Read of the Sanitation Department of Klamath County presented to the Planning Commission that as the proposed site approaches its maximum utilization, the site could fulfill a real need for a future recreational use.

9. Applicant indicated on May 4, 1976, that need for a new proposed site is apparent in that:

- a. The existing site, being the Klamath Disposal Landfill, was reaching its present capacity.
- b. The existing site being utilized will have from two to four years left before becoming exhausted.
- c. If the existing site, Klamath Disposal Landfill, was to continue operating as is, the cost of the operation would become quite high.

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.

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KEITH READ FOR KLAMATH COUNTY
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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 Keith Read, Zone Change 76-3, for a change of zone from A (Agricultural) to SP-10 (Regional Recreation) 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 Zone Change 76-3, is hereby granted.

DONE AND DATED THIS 7th DAY OF APRIL, 1977.

Lloyd Gift
Lloyd Gift
Chairman

Nell Kuonen
Nell Kuonen
Commissioner

Raymond P. Thorne
Raymond Thorne
Commissioner

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

By [Signature]

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COMPREHENSIVE LAND USE PLAN CHANGE AND ZONE CHANGE 76-3
KEITH READ FOR KLAMATH COUNTY
EXHIBIT A

Real property described as being the Northeast quarter,
Southwest quarter, Section 27, Township 38, Range 9, of Klamath
County, Oregon, approximately forty (40) acres in size generally
located one quarter mile Southeast of Old Fort Road where it
intersects the plat of Vista Gardens.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of
APRIL A.D., 1977 at 8:40 o'clock AM., and duly recorded in Vol. M 77,
of DEEDS on Page 5859.

FEE NONE

WM. D. MILNE, County Clerk

By Hazel Drazil Deputy