

36768

Vol. <sup>m</sup> 77 Page 19812

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 )  
MAP CHANGE ASSOCIATED WITH THE )  
APPLICATION FOR ZONE CHANGE 77-9 )  
By Jerry B. Sparks )

ORDER

THIS MATTER having come on for hearing upon the application of JERRY B. SPARKS for an amendment to the Comprehensive Land Use Plan accompanying Zone Change No. 77-9 for a change from MDR (Multiple Density Residential) to RR (Recreation Residential). A public hearing having been heard by the Klamath County Planning Commission on July 26, 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 approval. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on September 6, 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 Comprehensive Land Use Plan for certain real property described in Exhibit "A" which is attached hereto and incorporated by reference herein, 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.

1. The subject property is that particularly described in Exhibit "A", attached hereto, and by reference incorporated

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1 herein. The property consists of approximately 6.07 acres. There  
2 are scattered mobile homes in the area which are used for residences.  
3 To the north, is a service station and a small store on the east  
4 side of Highway 97. Further north is the site of the Johns-  
5 Mansville plant. The subject property is abutted by Highway 97 on  
6 the west. To the east are mountains. There are currently two  
7 mobile homes on the property, one is used as an office and the  
8 other is a residence. There are horse corrals in the SW portion  
9 of the subject property.

10 2. Adjacent properties are zoned C-5 (Commercial Highway)  
11 to the north along Highway 97, AF (Agricultural Forestry) to the  
12 east of the C-5 zone in the north, F (Forestry) to the east and  
13 south, and an AF zone across Highway 97 to the west. The MHP  
14 (Mobile Home Park) zone appears to be of a higher density than most  
15 of the other zoning in the area.

16 3. The applicant seeks a Comprehensive Land Use Plan  
17 Change to Recreation Residential in order to establish a business  
18 consisting of a Riding Stable to service those residents of Klamath  
19 County who do not own their own horse or do not have a place to  
20 keep one. The nearest such facilities are presently located at  
21 Diamond Lake (approximately 65 miles away) and Bly, Oregon (approxi-  
22 mately 75 miles away).

23 4. Access to the property is from Highway 97 with access  
24 being an existing well-gravelled, all-weather road.

25 5. The applicant and a witness testified that there is  
26 a definite need in the area for a service such as this change  
27 would allow. Mrs. Kembler testified that she has quite a few  
28 children who stay with her during the summer that would benefit



1 from the riding stables, also she had talked with several people  
2 in the Klamath area who expressed an interest in utilizing the  
3 stables.

4 6. The Planning Department Staff and the applicant  
5 testified that there were no other properties in the area designated  
6 as Recreation-Residential that would be suitable for the applicant's  
7 intended use.

8 7. Testimony from the Planning Department Staff and the  
9 applicant indicated that the use permitted under the Comprehensive  
10 Land Use Change would be more compatible with other designations  
11 in the area than the MDR (Multiple Density Residential) use.

12 8. The applicant testified that people utilizing his  
13 service would have access to public land (Forest Service) approxi-  
14 mately one quarter mile to the east on which they could ride the  
15 horses in the mountains.

16 9. The proposed change would have little adverse effect  
17 on the surrounding area as the proposed change is of a less intense  
18 use than the property is currently designated for.

19 CONCLUSIONS OF LAW:

20 1. The property affected by the Comprehensive Land Use  
21 Plan change is adequate in size and shape to facilitate those uses  
22 normally allowed in conjunction with such uses.

23 2. The property affected by the proposed CLUP change is  
24 properly related to streets and highways to adequately serve the  
25 type of traffic generated by such uses that may be permitted  
26 therein.

27 3. The proposed CLUP change will have no adverse effect  
28 or only limited adverse effect on any property or the permitted



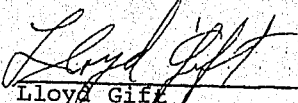
1 uses thereof within the affected area.

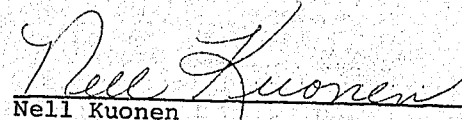
2 4. The proposed CLUP change is in keeping with land uses  
3 and improvements, trends in land development, density and prospec-  
4 tive needs for development in the affected area.

5 5. The proposed CLUP change represents the best and  
6 most appropriate use of the land affected.

7 NOW, THEREFORE, IT IS ORDERED that the application of  
8 Jerry B. Sparks for amendment to the Comprehensive Land Use Plan  
9 accompanying Change of Zone 77-9 requesting a change from MDR  
10 (Multiple Density Residential) to RR (Recreation Residential) on  
11 the real property described in Exhibit "A", attached hereto and  
12 by reference incorporated herein, is hereby granted.

13 DONE AND DATED THIS 30 day of September, 1977.

14  
15   
16 Lloyd Gift  
17 Chairman

18   
19 Nell Kuonen  
20 Commissioner

21  
22  
23  
24 APPROVED AS TO FORM:  
25 Boivin, Boivin and Aspell  
26 County Legal Counsel

27 BY 

28



18845-A"

EXHIBIT "A"  
JERRY B. SPARKS  
CLUP-ZC 77-9

A parcel of land approximately 6.07 acres in size generally located on the southeast corner of Highway 97 and Day School Road and more particularly described as Starting at section corner common to Sections 27, 28, 33, 34 Township 35 South, Range 7 East, Willamette Meridian, Oregon; thence west on section line common to Section 28 & 33, 672.32 feet to the east line of the Dalles - California highway right-of-way; thence along said east line of the Dalles - California highway right-of-way 423.8 feet in a southeasterly direction to a point; thence east 594.92 feet to a line common to sections 33 & 34; thence north 417.42 feet on section line common to sections 33 & 34 to point of beginning, containing 6.07 acres, more or less; being part of the Nellie Blair allotment No. 539, Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 4th day of October A.D., 19 77 at 9:25 o'clock A M., and duly recorded in Vol. M77 of Deeds on Page 18842.

FEE No Fee

WM. D. MILNE, County Clerk  
By Bernice D. Kilditch Deputy