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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 No. 77-18, )  
Keith Rice, Jr. )

O R D E R

This matter having come on for hearing upon the application of Keith Rice, Jr. for a zone change from AF (Agricultural Forestry) to A (Agricultural) on real property described as being 30 acres in size and generally located on the southeast corner of Zuckerman Road and Cheyne Road bordered on the west side of the Southern Pacific Railroad tracks and more particularly described as NW 1/4 NW 1/4 S 1/2 NW 1/4 N 1/2 SW 1/4 of Section 20, Township 40S, Range 10.

A public hearing on the application having been heard by the Klamath County Planning Commission on August 9, 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 disapproval of the application.

The following Findings of Fact by the Planning Commission were:

1. LCDC Goal No. 3 is to preserve and maintain agricultural land in Classes II through VI in eastern Oregon. Soil number 180 A, Henley loam, with 0-2% slopes is a Class IV soil and should be preserved.

2. Klamath County Ordinance No. 17, Section 32.001 is



1 intended to allow the unrestricted use of agriculture and forestation  
2 activities.

3 3. In order to accomplish this, the minimum lot area  
4 should not be less than 20 acres.

5 Conclusions of Law:

6 1. That the proposed change of zone is not in keeping  
7 with land uses and improvements, trends in land development, and  
8 density of land development in the affected area.

9 Following action by the Planning Commission, a public hear-  
10 ing before the Board of County Commissioners was regularly held on  
11 September 26th, 1977, where from the record below was accurate and  
12 complete and it appears from the testimony, reports and information  
13 produced at the hearing below that the application should be granted.

14 The Board of County Commissioners makes the following Find-  
15 ings of Fact and Conclusions of Law as required by Ordinance 17,  
16 the Klamath County Zoning Ordinance:

17 1. Testimony by applicant and staff indicated that proposed  
18 site for zone change was located in the NW 1/4 NW 1/4 S 1/2 NW 1/4  
19 N 1/2 SW 1/4 of Section 20, Township 40S, Range 10 and generally  
20 located on the southeast corner of Zuckerman Road and Cheyne Road.

21 2. Testimony indicated that the parcel size was that of  
22 30 acres in size and that there were no 15 acre parcels available  
23 that were zoned A (Agricultural).

24 3. Applicant requested a zone change from AF (Agricultural  
25 Forestry) to A (Agricultural) and indicated that the use, that being  
26 Agricultural will remain the same on the two 15 acre parcels.

27 4. Testimony before the Planning Commission by the appli-  
28 cant indicated that the proposed area had physical boundaries, that



1 in the 30 acre parcel was cut off by roads to the west, railroad to  
2 the east and drain ditch to the south. The applicant did not have  
3 the intent of surveying 30 acres off a larger parcel, just in order  
4 to sell.

5 5. Testimony by the applicant and people who testified in  
6 favor of proposed change indicated a need for this proposed change  
7 of zone. Mr. Ridgely stated his family had been looking for about  
8 one and one-half years for parcels of land in the 5 acre to 10 acre  
9 range and have not been successful.

10 6. Mrs. Green also testified towards need in that her  
11 family needs is to have a piece of property for agriculture use that  
12 would be in the 10 acre range in order to have a small breeding  
13 operation. She, Mrs. Green, also stated that 20 acres would be to  
14 large for this type of operation.

15 7. Testimony before the Planning Commission indicated that  
16 the road that would be used for access is a County Road and maintain-  
17 ed and is an all-weather road which is graveled.

18 8. After testimony had been reviewed by the Board of  
19 Commissioners on proposed zone change by Keith Rice, Jr., it was  
20 reconized by the Board that LCDC Goal No. 9 related to such change,  
21 that is to diversify and improve the economy of the State.

22 Conclusions of Law:

23 1. The property affected by the change of zone is adequate  
24 in size and shape to facilitate those uses noramly allowed in con-  
25 junction with such zoning.

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



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1 3. The proposed change of zone will have no adverse effect  
2 or only limited adverse effect on any property or the permitted uses  
3 thereof within the affected area.

4 4. That the proposed change of zone is in keeping with  
5 land uses and improvements, trends in land development, density of  
6 land development, and prospective needs for development in the affect-  
7 ed area.

8 5. That the proposed change of zone is in keeping with  
9 any land use plans duly adopted and does, in effect, represent the  
10 highest, best and most appropriate use of the land affected.

11 NOW THEREFORE, IT IS HEREBY ORDERED that the application  
12 of Keith Rice, Jr. No. 77-18, for a change of zone from AF (Agri-  
13 cultural Forestry) to A (Agricultural), on real property referred  
14 to as being a parcel of land 30 acres in size and particularly  
15 described as NW 1/4 NW 1/4 S 1/2 NW 1/4 N 1/2 SW 1/4 of Section 20,  
16 Township 40S, Range 10, is hereby granted.

17 DONE AND ATED THIS 7<sup>th</sup> day of October, 1977.

18  
19 BOARD OF COUNTY COMMISSIONERS

20  
21 By

22 Chairman

23 Pell Kuonen  
24 Commissioner

25 David L. Hyman  
26 Commissioner

27 APPROVED AS TO FORM:

28 Boivin, Boivin & Aspell

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 10<sup>th</sup> day of  
NOVEMBER A.D., 19 77 at 12:56 o'clock P.M., and duly recorded in Vol. M77  
of DEEDS on Page 21801.

NONE  
FEE

WM. D. MILNE, County Clerk

By Hazel D. Magal Deputy