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BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF)
ZONE CHANGE 77-18 for) MINORITY REPORT
KEITH RICE, JR.)

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 in Section 20, Township 40, Range 10 and 30 acres in size and more particularly described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; in Section 20, of Township 40, Range 10, was heard before the 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 to the Board of County Commissioners of the application. Following actions by the Planning Commission, a public hearing before the Board of County Commissioners was held on September 26, 1977, where from the testimony, reports and information on the record below that the application for Zone Change 77-18, Keith Rice, Jr., would be decided within 35 days.

The decision by the Board of Commissioners on October 14, 1977, was to approve Zone Change 77-18 for Keith Rice, Jr.:

MINORITY REPORT: The Klamath County Zoning Ordinance, Article 112.002 (13) requires that in the event the decision of the Board of County Commissioners for a comprehensive land use plan change and zone change is not unanimous the dissenting member shall

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1 file a minority report, which will become part of the record,
2 setting forth his or her reason(s) for such dissent within (30)
3 days after the entry of aforesaid Order.

4 The following constitutes my, Lloyd Gift, minority report
5 in the action taken by the Board of County Commissioners relative
6 to CLUP and Zone Change 77-18.

7 FINDINGS OF FACT:

8 1. Testimony by the applicant on August 9, 1977, before
9 the Planning Commission failed to indicate that this type of zone
10 change was in compliance with LCDC Goal No. 3, which is to preserve
11 and maintain agriculture land in Class I through VI soils in
12 Eastern Oregon. The testimony did confirm that the land was good
13 farm land, and suited for agricultural use. A zone change will
14 permit creation of as many as 30 one acre lots, and take land out
15 of agricultural production subject to subdivision approval or par-
16 titioning.

17 2. The record below that was presented to the Planning
18 Commission on August 9, 1977, also indicated that this type of zone
19 change is spot zoning. The surrounding area is almost exclusively
20 held in large parcels by persons using it for agricultural pursuits.

21 3. The record below that was presented to the Planning
22 Commission on August 9, 1977, also failed to indicate that there
23 was a real need for this particular zone change on real property
24 described as being the NW $\frac{1}{4}$ NW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; in Section 20,
25 of Township 40, Range 10. The need if any was a private need --
26 the desire of the owner to sell off small parcels and potential
27 purchasers to buy small parcels.

28 4. While it might be concluded that the prospective

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1 purchasers of two 10 acre parcels might use the land for permitted
2 agricultural uses and hence be compatible, there is no way to pro-
3 hibit further partitioning of the land. A successive purchaser may
4 wish to use the land in a manner which, while legal under the
5 changed comprehensive plan designation and changed zone, would none-
6 theless be incompatible with farm use. Applicant failed to show why
7 the public need will best be served by changing the classification
8 of the particular piece of property in question. No showing was
9 made why this property was best suited.

10 CONCLUSIONS OF LAW:

- 11 1. The proposed change of zone is not in keeping with
- 12 land use plans adopted by Klamath County.
- 13 2. The proposed change of zone is not in keeping with
- 14 existing land use trends of the area.
- 15 3. Testimony indicated at the Planning Commission meeting
- 16 on August 9, 1977, that this type of zone change did not represent
- 17 the best and most appropriate use of the land affected.

18 Incorporated above Findings of Fact and Conclusions of Law
19 for denial of Zone Change 77-18.

20
21 *Lloyd Gift*
22 Lloyd Gift, Chairman of the Board

23 STATE OF OREGON,
24 County of Klamath)
25 Filed for record at request of

26 KLAMATH COUNTY BOARD OF COMMISSIONERS
27 on this 10 day of NOVEMBER A.D. 1977
28 at 12:56 o'clock P. M. and duly
recorded in Vol. M77 of DEEDS
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Wm. D. MILNE, County Clerk

By *W. D. Milne* Deputy

Fee NONE

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