

1 BOARD OF COUNTY COMMISSIONERS

2 Klamath Falls, Oregon

3
4 IN THE MATTER FOR CHANGE)
5 OF ZONE NO. 77-25, BY)
6 DONALD D. ALT)

O R D E R

7 THIS MATTER having come on for hearing upon the
8 application of Donald D. Alt for a change of zone No. 77-25,
9 for a change from AF (Agricultural-Forestry) to A (Agricultural).
10 A public hearing having been heard by the Klamath County
11 Planning Commission on October 11, 1977 wherefrom the testimony,
12 reports and information produced at the hearing by the applicant,
13 members of the Planning Department Staff and other persons in
14 attendance. The Planning Commission recommended approval to
15 the Board of County Commissioners. Following action by the
16 Planning Commission, a public hearing before the Board of
17 County Commissioners was regularly held on November 22, 1977,
18 wherefrom the testimony, it appeared that the record below
19 was accurate and complete and it appears from the testimony,
20 reports and information produced at the hearing below that the
21 application for a change of zone for certain real property
22 described as being located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, Town-
23 ship 39S, Range 8E.W.M., Klamath County, Oregon, should be
24 granted.

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

28 Findings of Fact:

1 1. On October 11, 1977, before the Planning Commission,
2 the Planning Department Staff pointed out that the parcel of
3 land for change of zone was approximately 40 acres in size and
4 square in shape. This particular finding was made from the
5 Klamath County Exhibit "C", the Assessor's Map which was made
6 part of the record.

7 2. The Planning Department Staff also indicated
8 parcel for change of zone was generally located Northerly of
9 the Round Lake Road and Highway 66 Junction.

10 3. The Planning Department Staff indicated to the
11 Planning Commission that another 40 acre parcel which abutts
12 the proposed site to the South, was zoned A (Agricultural).

13 4. On October 11, 1977, Planning Department Staff
14 also pointed out to the Planning Commission that other parcels
15 to the Southeast and along Highway 66 were zoned A (Agricultural).

16 5. The Planning Department Staff pointed out to the
17 Planning Commission on October 11, 1977, that the Applicant's
18 access would be off of Round Lake Road, which is a county road.
19 The Applicant's property abutts a county road which would be
20 the Southwest corner of Applicant's property, as indicated by
21 Klamath County Exhibit "C", the Assessor's map.

22 6. The Applicant testified that access onto the
23 property in a road he built and spent money in order to put
24 700 yards of gravel on, plus the addition of culverts for
25 drainage and therefore is a road which is adequate to carry
26 the kind of traffic that would be generated by this change of
27 zone.

28 7. The testimony from the Planning Department Staff
ORDER NO. 77-25
Page 2

1 as well as the Applicant, that the vegetation of the parcel
2 for change of zone was basically Juniper Trees, Sagebrush,
3 Dryland Grass and rock.

4 8. The Applicant testified that he had planted
5 3000 Pine Trees on the parcel of land for change of zone and
6 at last count only 6 trees were still alive and therefore,
7 indicated to the Planning Commission that this particular
8 piece of property was not good for reforestation.

9 9. The Applicant testified that the trends in the
10 area were smaller lots and that the vegetation and topo of
11 the land in the surrounding area and North of Round Lake Road
12 was basically the same as his.

13 10. Testimony from Mr. Ed Shipsey, indicated that he
14 had been confronted by two individuals who would be interested
15 in buying 5 acre parcels, but none were available in this area.

16 11. The Applicant testified on October 11, 1977,
17 before the Planning Commission that he had been confronted by
18 25-30 people wanting to buy 5-10 acre parcels, but none were
19 available.

20 12. On October 11, 1977, the Planning Commission took
21 no testimony in opposition of this zone change from AF (Agri-
22 cultural-Forestry) to A (Agricultural).

23 13. Goal No. 1 of L.C.D.C. pertains to this change of
24 zone in that Citizens did testify at the hearing at the Plan-
25 ning Commission level and were in favor of this zone change.

26 14. Goal No. 4 of L.C.D.C. does not pertain in that
27 the Applicant testified he had problems growing approximately
28 3000 Pine Trees.

1 15. Goal 10 of L.C.D.C. pertains to this change of
2 zone in that there was testimony from the Applicant as well as
3 citizens from the audience stating if change of zone was approved,
4 this would allow people to build houses.

5 Conclusions of Law:

6 1. The property affected by the proposed change of
7 zone is adequate in size and shape to facilitate those uses
8 normally allowed in conjunction with such zoning.

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

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

16 4. That the proposed change of zone is in keeping
17 with any land use plans duly adopted and does, in effect,
18 represent the highest, best and most appropriate use of the
19 land affected.

20 5. That the proposed change of zone is in keeping
21 with land uses and improvements, trends in land development,
22 density of land development, and prospective needs for develop-
23 ment in the affected area.

24 NOW, THEREFORE, IT IS HEREBY ORDERED that the
25 application of Donald D. Alt for a change of zone from AF
26 (Agricultural-Forestry) to A (Agricultural) on real property
27 described as being located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 22, Town-
28 ship 39S, Range 8E.W.M., Klamath County, Oregon, should be granted.

11490

DONE AND DATED THIS 30th day of May, 1978.

Nell Kuonen
Nell Kuonen
Chairman

Floyd L. Wynne
Floyd Wynne
Commissioner

Lloyd G. Gift
Lloyd Gift
Commissioner

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 31st day of May A. D. 1978 at 8:58 clock A.M., and
duly recorded in Vol. M78, of Deeds on Page 11486

Wm D. MILNE, County Clerk

By: William D. Milne

No Fee

APPROVED AS TO FORM:
Boivin, Boivin and Aspell

By: Robert A. Boivin
County Legal Counsel

ORDER NO. 77-25

Page 5