

## 1 BOARD OF COUNTY COMMISSIONERS

2 Klamath Falls, Oregon

3  
4 IN THE MATTER FOR CHANGE)  
5 OF ZONE NO. 77-29 )  
6 CALVIN HUNT )

## O R D E R

7 THIS MATTER having come on for hearing upon the  
8 application of Calvin Hunt for a change of zone No. 77-29,  
9 for a change from RA (Residential-Agricultural) to AF  
10 (Agricultural Forestry). A public hearing having been heard  
11 by the Klamath County Planning Commission on December 20, 1977,  
12 wherefrom the testimony, reports and information produced at  
13 the hearing by the Applicant, members of the Planning Depart-  
14 ment Staff and other persons in attendance. The Planning  
15 Commission recommended approval to the Board of County Commis-  
16 sioners. Following action by the Planning Commission, a public  
17 hearing before the Board of County Commissioners was regularly  
18 held on January 30, 1978, wherefrom the testimony, it appeared  
19 that the record below was accurate and complete and it appears  
20 from the testimony, reports and information produced at the  
21 hearing below that the application for a change of zone for  
22 certain real property described as a tract of land containing  
23 11.2 acres more or less and situated in Section 17, Township  
24 39S, Range 9E.W.M., Klamath County, Oregon, should be 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 December 20, 1977, before the Planning  
2 Commission, the Planning Department Staff pointed out that  
3 the proposed site was located on the East side of The Dallas-  
4 California Highway and ½ mile North of the Joe Wright Road.

5           2. The Planning Department Staff also pointed out  
6 to the Planning Commission that the site for a zone change  
7 from RA (Residential Agriculture) to AF (Agricultural Forestry)  
8 was 11.2 acres in size, which would make a 20 acre parcel,  
9 once combined with contiguous properties.

10           3. The Applicant pointed out to the Planning Commission  
11 on December 20, 1977, that his access, which is off of Highway  
12 97 being, The Dallas-California Highway, is a gravelled road.

13           4. The proposed change of zone does relate to highways  
14 in that, Highway 97 can carry the quantity of traffic that would  
15 be generated by proposed use. The use, being a residence in an  
16 agricultural zone, is a use that's been established prior to  
17 zoning and therefore no increase in traffic.

18           5. On December 20, 1977, testimony indicated that  
19 within the surrounding area and adjoining properties, there  
20 is AF (Agricultural Forestry) zoning, that is other properties,  
21 20 acres or more in size.

22           6. Testimony from the Applicant indicated to the  
23 Planning Commission that this proposed change of zone would  
24 not have any adverse effect on abutting properties in that,  
25 agriculture uses were the predominant uses.

26           7. Testimony indicated to the Planning Commission that  
27 the change of zone to AF (Agricultural Forestry) would be in  
28 conformance with the Comprehensive Land Use Plan, that being

1 Agricultural.

2 8. Testimony before the Planning Commission on  
3 December 20, 1977, also indicated that agriculture uses are  
4 the trends in the area.

5 9. Testimony provided by the Applicant that this  
6 change of zone from RA (Residential Agriculture) to AF (Agricul-  
7 ture Forestry) is an increase in property size and therefore  
8 decreases the density in land development.

9 10. The Applicant testified that he had several  
10 interested buyers in the subject parcel and therefore indicated  
11 to the Planning Commission there was a substantial need for this  
12 particular zone change.

13 11. Goal 1 of L.C.D.C. Goals pertains to this change  
14 of zone in that adjoining property owners within 500 feet were  
15 notified and given the opportunity to testify.

16 12. Goal 3 of L.C.D.C. Goals pertain to this proposed  
17 change of zone in that this change preserve agriculture lands  
18 and is a use that is compatible to the surrounding properties.

19 Conclusions of Law:

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

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

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

1 permitted uses thereof within the affected area.

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

6 5. That the proposed change of zone is in keeping  
7 with land uses and improvements, trends in land development,  
8 density of land development, and prospective needs for develop-  
9 ment in the affected area.

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the  
11 application of Calvin Hunt for a change of zone from RA  
12 (Residential Agriculture) to AF (Agricultural Forestry) on  
13 real property described as a tract of land situated in Section  
14 17 of Township 39S, Range 9E.W.M., Klamath County, Oregon, is  
15 hereby granted.

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

17  
18 Nell Kuonen  
19 Nell Kuonen  
Chairman

20  
21 Floyd L. Wynne  
22 Floyd Wynne  
Commissioner

23  
24 Lloyd Gift  
25 Lloyd Gift  
Commissioner

26 APPROVED AS TO FORM:  
27 Holvin, Holvin and Aspell  
28 By: Charles H. Hays  
County Legal Counsel

ORDER NO. 77-29

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 31st day of  
May A.D., 19 78 at 8:59 o'clock A M., and duly recorded in Vol. 878  
of Deeds on Page 11491.

FEE None

WM. D. MILNE, County Clerk

By Bernice D. Hellock Deputy