

BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER FOR CHANGE
OF COMPREHENSIVE LAND USE
PLAN BY DAN O'NEILL 78-35

O R D E R

This matter having come on for hearing upon the application of Dan O'Neill for a change of Comprehensive Land Use Plan for a change from Agricultural to Recreational Residential. A public hearing having been heard by Klamath County Planning Commission on May 2, 1978, wherefrom 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 to the Board of County Commissioners. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on July 19, 1978, wherefrom the testimony, it appeared that the record below was accurate and complete and it appears from the testimony, reports and information produced at the hearing below that the application for a change of Comprehensive Land Use Plan for certain real property described as being located in the E $\frac{1}{2}$ E $\frac{1}{4}$ of Section 27, SW $\frac{1}{4}$ of Section 26, W $\frac{1}{2}$ of Section 35 all in Township 30S, Range 10EWM, Klamath County, Oregon, should be granted.

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

Findings of Fact:

1. On May 2, 1978, before the Planning Commission, the Planning Department Staff pointed out that the parcel of land for

1 change in the Comprehensive Land Use Plan was 640 acres in size and
2 rectangle in shape. This finding was made from Klamath County
3 Exhibit "C", the Assessor's Map, which was a part of the record.

4 2. The staff indicated that parcel for change in the Compre-
5 hensive Land Use Plan was generally located south of Crystal Springs
6 Road and more particularly described as the E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 27, SW $\frac{1}{4}$
7 of Section 26, W $\frac{1}{2}$ of Section 35 and all in Township 39, Range 10
8 EWM.

9 3. On May 2, 1978, Planning Department staff also pointed out
10 to the Planning Commission that access to the 640 acres would be off
11 of Crystal Springs Road, which is a paved county road.

12 4. The Planning Department staff, as well as applicant, in-
13 dicated to the Planning Commission that the vegetation of the land
14 was a mixture of sagebrush, grass and Juniper trees and some
15 scattered pine, meaning, not a heavy forested area for the produc-
16 tion of timber.

17 5. On May 2, 1978, the topography was described as being rocky
18 in some areas with slopes being 20 to 25% with slopes running in an
19 easterly direction.

20 6. On May 2, 1978, the Planning Commission received testimony
21 from applicant that the land was not prime agriculture land and
22 that the open spaces were for grazing but not feasible for agri-
23 culture uses. This testimony met Goal No. 3 of LCDC.

24 7. On May 2, 1978, the Planning Commission received a letter
25 from the Henley Area Committee indicating approval. The Area Com-
26 mittee pointed out this proposed Comprehensive Land Use Plan Change
27 on land described from application was not prime agricultural land,
28 effects on wildlife was minimal, no opposition from neighbors,

1 government agencies and that there was a need for this type of Com-
 2 prehensive Land Use Plan change.

3 8. The Planning Commission also received testimony indicating
 4 that there was a very low inventory of lots in this area that have a
 5 rural type atmosphere that was relatively close to public facilities,
 6 such as schools, electricity and telephone.

7 9. Goal No. 1 of ICDC which pertains to Citizen Involvement,
 8 states that this goal is to insure the opportunity for citizens to
 9 be involved in the planning process; therefore, the Planning Com-
 10 mission did receive from the Bailey Area Committee a letter for
 11 approval of the Comprehensive Land Use Plan change.

12 10. Goal No. 3 of ICDC also pertains to this Comprehensive
 13 Land Use Plan change in that the Planning Commission received various
 14 testimony indicating this proposed site was not agriculture prime
 15 land.

16 11. Goal No. 4 of ICDC also pertains to this Comprehensive
 17 Land Use Plan change in that the proposed site was not an area con-
 18 sidered as land good for the production of timber.

19 12. Goal No. 10 of ICDC pertains to this Comprehensive Land
 20 Use Plan change in that this type of change would allow for the
 21 need of housing.

22 Conclusions of Law:

23 1. The property affected by the proposed change of Compre-
 24 hensive Land Use Plan is adequate in size and shape to facilitate
 25 those uses normally allowed in conjunction with such zoning.

26 2. The property affected by the proposed change of Compre-
 27 hensive Land Use Plan is properly related to streets and highways
 28 to adequately serve the type of traffic generated by such uses that

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may be permitted therein.

3. The proposed change of Comprehensive Land Use Plan will have no adverse effect or only a limited adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed change of Comprehensive Land Use Plan is in keeping with any land use plans duly adopted and does, in effect represent the highest, best and most appropriate use of the land affected.

5. That the proposed change of Comprehensive Land Use Plan is in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.

NOW THEREFORE, it is hereby ordered that the application of Dan O'Neill for a change of Comprehensive Land Use Plan from Agricultural to Recreational Perpetual on real property described as being located in the NE 1/4 of Section 27, T4N, of Section 26, W4E of Section 35 all in Township 39S, Range 20 EWM, Klamath County, Oregon should be granted.

DONE AND DATED THIS 31st DAY OF JULY, 1978.

Will Luonen
CHAIRMAN OF THE BOARD

Harold L. Myrnes
COUNTY COMMISSIONER

COUNTY COMMISSIONER

APPROVED AS TO FORM:
SELVIN BROWN'S ASPELL

BY: *Will Luonen*
County Board Clerk

CLERK OF CLERK OF COUNTY OF KLAMATH

I hereby certify that the within instrument was duly and lawfully recorded on the 3rd day of August, 1978 at 12:00 noon and duly recorded in Vol. 173 of _____ of _____ on Page _____

DAVID WHITE County Clerk

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Deputy