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BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER FOR CHANGE
OF ZONE NO. 73-15, BY
DAN O'NEILL

JO R D E F

This matter having come on for hearing upon the application of Dan O'Neill for a change of Zone No. 73-15, for a change from AP (Agricultural-Forestry) to SRA (Rural Residential). A public hearing having been held 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 zone for certain real property described as being located in the E $\frac{1}{4}$ E $\frac{1}{4}$ of Section 24, W $\frac{1}{2}$ of Section 25, W $\frac{1}{2}$ of Section 35 all in Township 39S, Range 18 EWA, Klamath County, Oregon, should be granted.

The Board of County Commissioners makes 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 the zone change was 640 acres in size and rectangle in shape. This
2 finding was made from Klamath County Exhibit "C", the Assessor's Map
3 which was made a part of the record.

4 2. The staff indicated that parcel for a zone change was
5 generally located south of Crystal Springs Road and more particular-
6 ly described as the E½ E½ of Section 27, SW¼ of Section 26, W¼ of
7 Section 35 and all in Township 39, Range 10 EMM.

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

11 4. Testimony was received by the Planning Commission that the
12 county road, being Crystal Springs Road, which was paved, could
13 carry the type of traffic that would be generated by such change in
14 zone.

15 5. Testimony was also received by the Planning Commission in-
16 dicating that the proposed change in zone from AF (Agriculture-
17 Forestry) to SP-1 (Rural Residential) would not have an adverse
18 effect on abutting properties, in that there would be no effects on
19 wildlife, nor did opposition from adjoining land owners protest,
20 indicating any adverse effects on abutting properties.

21 6. Testimony to the Planning Commission on May 2, 1978, also
22 indicated this type of zone change represents the best and most
23 appropriate use of the land, in that the proposed site if properly
24 related to streets, would have no adverse effects on abutting
25 properties. There was a need for such change of zone and the Plan-
26 ning Commission received a letter from the Area Committee as approv-
27 ing this application for change of zone from AF (Agricultural-
28 Forestry) to SP-1 (Rural Residential).

1 7. On May 2, 1978, the Planning Commission received a letter
2 from the Area Committee indicating approval. The Area Committee
3 pointed out this type of zone change on land described from applica-
4 tion was not prime agricultural land, effects on wildlife was mini-
5 mal, no opposition from neighbors, government agencies and that
6 there was a need for this type of zone change.

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

11 9. Goal No. 1 of LCDC which pertain to Citizen Involvement,
12 states that this goal is to insure the opportunity for citizens to
13 be involved in the planning process, therefore, the Planning Com-
14 mission did receive from the Hanley Area Committee a letter for
15 approval of the change in zone.

16 10. Goal No. 3 of LCDC also pertains to this change in zone
17 in that the Planning Commission received various testimony indicat-
18 ing this proposed site was not agricultural prime land.

19 Conclusions of Law:

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

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

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

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

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

8 NOW, THEREFORE, it is hereby ordered that the application of
9 Dan O'Neill for a change of zone from AF (Agricultural-Forestry) to
10 SP-1 (Rural Residential) on real property described as being located
11 in the E $\frac{1}{2}$, E $\frac{1}{2}$ of Section 27, SW $\frac{1}{4}$ of Section 26, W $\frac{1}{2}$ of Section 35,
12 all in Township 39S, Range 10 EWM, Klamath County, Oregon, should be
13 granted.

14 DONE AND DATED THIS 21st DAY OF JULY, 1978.

15
16 [Signature]
17 CHAIRMAN OF THE BOARD

18 [Signature]
19 COUNTY COMMISSIONER

20 COUNTY COMMISSIONER

21 APPROVED AS TO FORM:
22 BOLVIN, BOLVIN & ASPELL

23 BY [Signature]
COUNTY CLERK

STATE OF OREGON, CLERK OF THE Klamath County
I hereby certify that the within instrument was examined and found to be correct on the 31 day of
August A.D. 1978 at 10:00 o'clock P.M. and was recorded in Vol. 478
of the County Records on page 15708.

FEF - None

CLERK OF Klamath County
[Signature] Deputy