

54571

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER FOR CHANGE )  
OF ZONE NO. 77-35 BY )  
KIRK JOHNSON )

O R D E R

This matter having come on for hearing upon the application of Kirk Johnson for a change in zone from AF (Agriculture-Forestry) to RA (Residential Agriculture) and a public hearing having been heard by the Klamath County Planning Commission January 24, 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 March 7, 1978, wherefrom the testimony, it appeared that the record below was accurate and complete and that the application for a change of zone for certain real property desc. bed as the E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Township 39, Range 3, Section 1 and generally located west of Orindale Road should be granted.

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

Findings of Fact:

1. On January 24, 1978, before the Planning Commission, it was pointed out that subject parcel for change of zone from AF (Agriculture-Forestry) to RA (Residential Agriculture) was located west of Orindale Road and north of Green Acres Subdivision.
2. The staff pointed out that the parcel was twenty (20)

1 acres in size and with the zone change there would be one five (5)  
2 acre parcel plus a fifteen (15) acre parcel which totals a twenty  
3 (20) acre parcel.

4 3. The applicant pointed out that the five (5) acre  
5 parcel would be sold with the fifteen (15) acre parcel being kept  
6 for a homesite.

7 4. The access being Breitenstein Lane, to the five (5) and  
8 fifteen (15) acre parcels would be off of Orindale, which is a paved  
9 county road and is the type of road that can carry the kind of traf-  
10 fic that would be generated by proposed uses, that being single  
11 family dwellings.

12 5. Testimony indicated to the Planning Commission that the  
13 one twenty (20) acre parcel was not an economical farming unit in  
14 that there was no irrigation system and the cost to develop a sprink-  
15 ler system would be too great. Price of a irrigation system was  
16 stated by applicant as being anywhere from \$12,000 up to \$25,000.

17 6. The testimony on January 24, 1978 indicated to the  
18 Planning Commission that the area adjacent to the south was zoned  
19 Residential Agriculture and therefore appeared to be the trend.

20 7. The testimony to the Planning Commission indicated  
21 that the Comprehensive Land Use Plan was in conformance, that being  
22 suburban density.

23 8. Applicant's testimony on need, indicated to the Plan-  
24 ning Commission there was a need, in that applicant had a letter,  
25 plus requests from people who were interested in buying the property.

26 9. MCOG Goal No. 1, Citizen Involvement, is applicable  
27 to this zone change, in that the area committee had a change to re-  
28 view such zone change and recommended approval.

10. MCD: Goal No. 10 is applicable to this change in zone in that this change would allow a site for a housing need.

Conclusions of Law:

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

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

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

4. That the proposed change of zone 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.

5. That the proposed change of zone 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.

NOW, THEREFORE, it is hereby ordered that the application of Kirk Johnson for a change of zone from AF (Agriculture-Forestry) to RA (Residential Agriculture) on real property described as the E1/4 NE1/4 SW1/4, Township 39, Range 8, Section 1 and generally located north of Green Acres Subdivision and west of Orindale Road is hereby granted.

DONE AND DATED THIS 31st DAY OF August, 1978

19730

*Neil Kuonen*

Neil Kuonen  
Chairman

*Floyd Wynne*

Floyd Wynne  
Commissioner

*Lloyd Giff*

Lloyd Giff  
Commissioner

APPROVED AS TO FORM:  
Bolvin, Bolvin and Aspell

BY: *Robert H. Hume*  
County Local Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Subscribed for record at request of Klamath County

on the 15th day of September A. D. 19 73 at 9:34 clock AM., on

file recorded on Vol. 478 of Deeds on Page 19727

Wm D. MILNE, County Clerk

By *Wm D. Milne*

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No Fee