

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPLICATION)
FOR ZONE CHANGE (Rs. 77-23,)
BY JAMES ROGERS)

ORDER

Whereas, an application for a change of zone from AF (Agricultural-
Forestry) to M-2 (Medium Manufacturing) Zone was submitted to the

public hearing having been heard by the Klamath County Planning
Commission on 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 to the Board of County
Commissioners approval of the application. Following action by
the Planning Commission, a public hearing before the Board of
County Commissioners was regularly held on March 7, 1978, where-
from testimony, reports and information produced at the hearing
below, it appeared the record below was accurate and complete
and that the application for Change of Zone from AF (Agricultural-
Forestry) to M-2 (Medium Manufacturing) Zone on certain real
property described as a portion of Lots 17&24, Township 38S,
Range 7 E.W.M., Section 28, Tax Lot 1100, should be granted.

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

FINDINGS OF FACT:

1. Testimony from reports and staff indicated that proposed

1 site for Change of Zone from AF (Agricultural-Forestry) to M-2
2 (Medium Manufacturing) Zone was generally located east of Dalles-
3 California Highway and south of Tax Lot 100, on which a large
4 vacant manufacturing plant is located.

5 1. Testimony also indicated site for Change of Zone was
6 11.7 acres in size and therefore was a large enough area to
7 accomodate said use, that being a site for the construction of
8 modular homes.

9 2. Testimony also indicated to the Planning Commission that
10 site had adequate access, which was off Highway 97 and that High-
11 way 97 was a major highway and therefore adequate to carry the
12 quantity of traffic that would be generated by proposed use.

13 3. Testimony also indicated that the site being Zoned AF
14 (Agricultural-Forestry) did not meet LCDC Goal No. 3, the Agri-
15 cultural Goal in that the site was not a economical farming unit.

16 4. It was also pointed out there were no trees on proposed
17 site and that the applicant had tried to grow trees, with applicant
18 having zero survival out of 2,000 trees planted and therefore
19 does not meet Goal No. 4, of LCDC, the Forestry Goal.

20 5. Testimony from applicant indicated there were people
21 wanting modular type homes and had a waiting list and therefore
22 indicated a need for such use.

23 6. A letter dated, 19 January 1978, from the Chiloquin Area
24 Committee recommending approval and therefore Goal No. 1 of LCDC
25 was addressed. This letter was marked as applicant's Exhibit No.
26 1.

27 7. Testimony from applicant, indicated to the Planning
28 Commission that with approval of the Change of Zone from AF

1 (Agricultural-Forestry) to M-2 (Medium Manufacturing) would provide
2 for jobs and therefore Goal No. 9 of LCDC economy of the State
3 was addressed.

4 9. Testimony from applicant indicated that there were people
5 waiting for such construction of modular homes, therefore address-
6 ing Goal No. 10 of LCDC, Housing.

7 CONCLUSIONS OF LAW:

8 1. The property affected by the proposed change of zone is
9 adequate in size and shape to facilitate those uses normally allow-
10 ed in conjunction with such zoning.

11 2. The property affected by the proposed change of zone is
12 properly related to streets and highways to adequately serve the
13 type of traffic generated by such uses that may be permitted there-
14 in.

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

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

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

25 NOW, THEREFORE, IT IS HEREBY ORDERED that the application of
26 James Rogers for a Change in Zone from AF (Agricultural-Forestry)
27 to M-2 (Medium Manufacturing) Zone on real property described as
28 being a portion of Lots 17&24, Township 35S, Range 7 E.W.M.,

20641

1 Section 24, Map Lot 1100, is hereby granted.

2 DONE AND DATED THIS 30 day of September, 1978.

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6 Nell Kuonen
Nell Kuonen
Chairman

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9 Floyd Wynne
Floyd Wynne
Commissioner

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12 Lloyd Gift
Lloyd Gift
Commissioner

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21 APPROVED AS TO FORM:
Boivin, Boivin and Aspell

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23
24 By: Allen Sturm
County Legal Counsel

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26
27
28 ORDER No. 77-33

STATE OF OREGON; COUNTY OF KLAMATH; CL.

I hereby certify that the within instrument was received and filed for record on the 19th day of
September, A.D. 1978 at 3:25 o'clock A.M., and duly recorded in Vol. 473
of Deeds on Page 2013.

FEE None

WM. D. MILNE, County Clerk

By Barbara Smith Deputy