

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
AND ZONE CHANGE No. 78-57, BY)
ALAN ABNER FOR E. KINNEY)
_____)

O R D E R

THIS MATTER having come on for hearing upon the application of E. Kinney for a Comprehensive Land Use Plan change from Suburban Density to Agriculture on the southeast tip as indicated by the existing Comprehensive Land Use Plan and a Zone Change from AF (Agricultural-Forestry) to A (Agricultural), by the Klamath County Planning Commission, on real property described as Township 39S, Range 10 EWM, E½ of the SW¼ of Section 15. Public hearings having been heard by the Klamath County Planning Commission on December 19, 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 January 16, 1979, wherefrom the testimony, at said hearing it appeared that the record below was accurate and complete and it appears from the testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and Zone Change for the subject property, should be granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
3 CHANGE:

4 1. The Board of Commissioners found site for change
5 in Comprehensive Land Use Plan and Zone to be located on the
6 north side of the Klamath Falls-Lakeview Highway and approxiamtely
7 1/8 of a mile northeasterly of Olene, Oregon.

8 2. The Board of Commissioners found site for change
9 in Comprehensive Land Use Plan and Zone to be approximately
10 86.9 acres in size and thus meets the property development stand-
11 ards of the agricultrual zone.

12 3. The Board of Commissioners found that the trend
13 is towards the A2(Agricultrual) Zone, as most of the area to
14 the west has been zoned A (Agricultural).

15 4. The Board of Commissioners found adjacent property
16 owners had been notified and there was no testimony in opposition
17 or participation from the Area Committee, thus addressing L.C.D.C.
18 Goal No. 1, Citizen Involvement.

19 5. The Board of Commissioners found that site for
20 change in Comprehensive Land Use Plan and Zone would be agricul-
21 ture and thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

22 6. The Board of Commissioners found that site for
23 change in Comprehensive Land Use Plan and Zone would be no
24 change in agricultural use, thus addressing L.C.D.C. Goal NO. 3,
25 Agriculture.

26 7. The Board of Commissioners found that site had
27 some trees on the 86.9 acres, but were not for timber use, thus
28 addressing L.C.D.C. Goal No. 4, Forestry.

1 8. The Board of Commissioners found site would have
2 to have water by well, thus addressing L.C.D.C. Goal No. 6, Air,
3 Water, and Land Resources.

4 9. The Board of Commissioners found site would be
5 developed within the A (Agricultural) Zone, which would provide
6 economy to the land, thus addressing L.C.D.C. Goal No. 9, Economy
7 of the State.

8 10. The Board of Commissioners found per testimony
9 from applicant there is a demand in the area for small parcels
10 of land, thus addressing a need for housing.

11 11. The Board of Commissioners found site had
12 electricity and telephone plus water by well and septic tanks
13 would be required for sewer, thus addressing L.C.D.C. Goal No.
14 11, Public Facilities and Services.

15 12. The Board of Commissioners found site had access
16 off of the Klamath Falls-Lakeview Highway, which is a State paved
17 Highway, thus addressing L.C.D.C. Goal No. 12, Transportation.

18 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
19 CHANGE:

20 1. The property affected by the Comprehensive Land
21 Use Plan change is adequate in size and shape to facilitate those
22 uses normally allowed in conjunction with such zoning.

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

27 3. The proposed Comprehensive Land Use Plan Change
28 will have no adverse effect or only limited adverse effect on any

1 property or the permitted uses thereof within the affected area.

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

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

10 FINDINGS OF FACT FOR ZONE CHANGE:

11 1. The Board of Commissioners found site for change
12 in Comprehensive Land Use Plan and Zone to be located on the
13 north side of the Klamath Falls-Lakeview Highway and approximately
14 1/8 of a mile northeasterly of Olene, Oregon.

15 2. The Board of Commissioners found site for change
16 in Comprehensive Land Use Plan and Zone to be approximately
17 86.9 acres in size and thus meets the property development stand-
18 ards of the agricultural zone.

19 3. The Board of Commissioners found that the trend
20 is towards A (Agricultural) Zone, as most of the area to the
21 west has been zoned A (Agricultural).

22 4. The Board of Commissioners found adjacent
23 property owners had been notified and there was no testimony in
24 opposition or participation from the Area Committee, thus address-
25 ing L.C.D.C. Goal No. 1, Citizen Involvement.

26 5. The Board of Commissioners found that site for
27 change in Comprehensive Land Use Plan and Zone would be agricul-
28 ture and thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

1 6. The Board of Commissioners found that site for
2 change in Comprehensive Land Use Plan and Zone would be no
3 change in Comprehensive Land Use Plan and Zone would be no
4 change in agricultural use, thus addressing L.C.D.C. Goal No. 3,
5 Agriculture.

6 7. The Board of Commissioners found that site had
7 some trees on the 86.9 acres, but were not for timber use, thus
8 addressing L.C.D.C. Goal No. 4, Forestry.

9 8. The Board of Commissioners found site would have
10 to have water by well, thus addressing L.C.D.C. Goal No. 6, Air,
11 Water and Land Resources.

12 9. The Board of Commissioners found site would be
13 developed within the A (Agricultural) Zone, which would provide
14 economy to the land, thus addressing L.C.D.C. Goal No. 9, Economy
15 of the State.

16 10. The Board of Commissioners found per testimony
17 from applicant there is a demand in the area for small parcels
18 of land, thus addressing L.C.D.C. Goal No. 10, Housing.

19 11. The Board of Commissioners found site had
20 electricity and telephone service plus water by well and septic
21 tanks would be required for sewer, thus addressing L.C.D.C. Goal
22 No. 11, Public Facilities and Services.

23 12. The Board of Commissioners found site had access
24 off of the Klamath Falls-Lakeview Highway, which is a State paved
25 Highway, thus addressing L.C.D.C. Goal No. 12, Transportation.

26 CONCLUSIONS OF LAW FOR ZONE CHANGE:

27 1. The property affected by the change of zone is
28 adequate in size and shape to facilitate those uses normally

1 allowed in conjunction with such zoning.

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

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

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

13 5. That the proposed change of zone is in keeping
14 with land uses and improvements, trends in land development,
15 density of land development, and prospective needs for development
16 in the affected area.

17 NOW, THEREFORE, it is hereby ordered that the appli-
18 cation for the Comprehensive Land Use Plan change from Suburban
19 Density to Agriculture on the southeast tip as indicated by the
20 existing Comprehensive Land Use Plan Map and a Zone Change from
21 AF (Agricultural-Forestry) to A (Agricultural) for E. Kinney on

22
23
24Continued on next page
25
26
27
28

4940

the subject property, is hereby granted.

DONE AND DATED THIS 28th DAY OF February, 1979.

Harold L. Kipune
CHAIRMAN OF THE BOARD

Alvin A. Payne
COUNTY COMMISSIONER

Neil Kuonen
COUNTY COMMISSIONER

STATE OF OREGON,
County of Klamath)
Filed for record at request of

Klamath County
on this 6th day of March A.D. 19 79
at 10:18 o'clock A M, and duly
recorded in Vol. M79 of Deeds
Page 4934

APPROVED AS TO FORM:
Boivin, Boivin & Aspell

BY: Robert D. Boivin
COUNTY LEGAL COUNSEL

Wm D. MILNE, County Clerk
By Bernard Shitko Deputy
None
Fee _____