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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 79-27, BRUCE)
AND MARIE OWENS)

O R D E R

THIS MATTER having come on for hearing upon the application of Bruce and Marie Owens for a zone change from A (Agricultural) to SP-16 (Planned Unit Development), by the Klamath County Planning Commission, on real property described as Township 39, Range 10, Section 8, Tax Lot 5100. Public Hearings having been heard by the Klamath County Planning Commission on July 24, 1979, 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 disapproval to the Board of County Commissioners. The following findings of fact were made by the Planning Commission.

FINDINGS OF FACT:

1. The existing and surrounding zone classifications are A (Agriculture).
2. The applicant, with regard to the need for change, has not given sufficient evidence to substantiate the requested zone change.
3. The size and shape of the property will still serve an agricultural capacity.
4. The location of the site appears to be in an agricultural area, and it should be retained as such.

1 5. There seems to be a question from direct testimony
2 heard as part of the hearing record that adequacy of access from
3 Highway 140 and the anticipated traffic volumes could prove a
4 problem.

5 6. There has also been testimony to the effect that
6 there is a potential change effective on the surrounding proper-
7 ties.

8 7. The soils classification of the property is Class
9 III, meaning a moderate agricultural potential.

10 8. There has been indicated by testimony a possible
11 necessity for the addressing of the open spaces of that particular
12 classification.

13 9. There also appears to be some question as to
14 groundwater conditions in the area.

15 NO CONCLUSIONS OF LAW

16 Following action by the Planning Commission, a public
17 hearing before the Board of County Commissioners was regularly
18 held on August 28, 1979, wherefrom the testimony at said hearing
19 it appeared that the record below was accurate and complete and
20 it appeared from the testimony, reports and exhibits introduced
21 at the hearing before the Planning Commission that the application
22 for a zone change for the subject property would be reviewed and
23 decided at a later date in time.

24 On September 17, 1979, the Board of County Commissioners
25 made the following Findings of Fact and Conclusions of Law as
26 required by Ordinance No. 17, the Klamath County Zoning Ordinance:

27 FINDINGS OF FACT:

28 1. The Board of County Commissioners found that the

1 site for change in zone was only a change in zone and that the
2 existing Comprehensive Land Use Plan was Suburban Density,
3 therefore, in conformance with applicant's zone request to SP-16
4 (Planned Unit Development).

5 2. The Board of County Commissioners found site to be
6 50 acres in size and basically rectangle in shape, therefore
7 meeting the Property Development Standards of a SP-16 (Planned
8 Unit Development) zone.

9 3. The Board of County Commissioners found site for
10 change in zone to be located north of the Klamath Falls-Lakeview
11 Highway and northwest of Reeder Road which intersects with the
12 Klamath Falls Lakeview Highway.

13 4. The Board of County Commissioners found per appli-
14 cant's testimony that those parcels north of the Klamath Falls
15 Lakeview Highway that were not within already existing subdivisions
16 were of small acreage, therefore applicant is meeting the existing
17 land use trends.

18 5. The Board of County Commissioners found that site
19 for change in zone was within existing land use trends as appli-
20 cant pointed out several subdivisions in the surrounding area.

21 6. The Board of County Commissioners found per appli-
22 cant that most of the lots had been sold and had been developed,
23 therefore, indicating a need for their development.

24 7. The Board of County Commissioners found that main
25 access would be developed off of the Klamath Falls Lakeview High-
26 way, being Highway No. 140, and that main access would not be via
27 Booth Road. Booth Road may be used as a secondary access to the
28 proposed site for change in zone.

1 8. The Board of County Commissioners found that when
2 a Conditional Use Permit would be applied for by applicant for
3 development purposes, a 50 foot buffer zone would be recommended.
4 The 50 foot buffer zone would be set off on the north side of
5 Highway 140. This would enable residents leaving site for change
6 of zone a safer situation and also prevent any conflicts between
7 existing enterprises and residences that will be proposed.

8 9. The Board of County Commissioners found that the
9 Henley Area Committee had been notified as well as the surrounding
10 property owners, and also sent notification to the Herald and
11 News, therefore addressing L.C.D.C. Goal No. 1, Citizen Involvement.
12

13 10. The Board of County Commissioners found per record
14 before the Planning Commission that the Henley Area Committee had
15 met to consider zone change and they unanimously supported the
16 proposed change of zone to SP-16 (Planned Unit Development), thus
17 addressing L.C.D.C. Goal No. 1, Citizen Involvement.

18 11. The Board of County Commissioners found per record
19 before the Planning Commission agencies and surrounding property
20 owners had also testified, therefore addressing L.C.D.C. Goal No.
21 1, Citizen Involvement.

22 12. The Board of County Commissioners found per record
23 that site for change in zone to SP-16 (Planned Unit Development)
24 was in conformance with the existing Comprehensive Land Use Plan,
25 that being Suburban Density, and applicant's request was to bring
26 zoning into conformance with the existing Comprehensive Land Use
27 Plan, thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

28 13. The Board of County Commissioners found per testi-

1 money from applicant that site for change in zone would abutt
2 property to the north already zoned SP-16 (Planned Unit Develop-
3 ment) and that there were other subdivisions in the area, therefore
4 addressing L.C.D.C. Goal No. 2, Land Use Planning.

5 14. The Board of County Commissioners found per testi-
6 mony from applicant and Applicant's Exhibit No. 8, that applicant
7 showed a loss from farming site for several years, and, therefore,
8 was not an economically farming unit, thus addressing L.C.D.C.
9 Goal No. 3, Agriculture.

10 15. The Board of County Commissioners found per
11 testimony from applicant that there were no trees on property,
12 thus addressing L.C.D.C. Goal No. 4, Forestry.

13 16. The Board of County Commissioners found per
14 testimony from applicant that the site for change in zone was
15 gently sloping towards the south or towards Highway 140, and,
16 therefore, was not subject to any natural disasters or hazards,
17 thus addressing L.C.D.C. Goal No. 7.

18 17. The Board of County Commissioners found per
19 testimony from applicant that natural resources such as the potent-
20 ial for geothermal development is in the area. The applicant has
21 a well on subject site and water reaches 80°, thus addressing
22 L.C.D.C. Goal No. 5, Natural Resources.

23 18. The Board of County Commissioners found that site
24 for change in zone to SP-16 (Planned Unit Development) that water
25 would be by individual wells and that septic use would be by
26 individual septic tanks, thus addressing L.C.D.C. Goal No. 6, Air,
27 Water and Land Resources.

28 19. The Board of County Commissioners found that

1 proposed drainage would be reviewed and approved by Klamath Public
2 Works Director, thus addressing L.C.D.C. Goal No. 6, Air, Water
3 and Land Resources.

4 20. The Board of County Commissioners found site for
5 change in zone would not be a site for recreational uses but for
6 residential uses as indicated by the existing land use plan,
7 therefore addressing L.C.D.C. Goal No. 8, Recreational Needs.

8 21. The Board of County Commissioners found per testi-
9 mony from applicant that this type of development would help the
10 economy of the area in that there would be construction going on
11 and also people who would buy parcels would also bring monies
12 into the area, therefore addressing L.C.D.C. Goal No. 9, Economy
13 of the State.

14 22. The Board of County Commissioners found per
15 testimony from applicant that there is a demand for one acre
16 properties and that lots of this size in the surrounding area are
17 somewhat developed and there are not enough lots to fulfill the
18 demand, therefore addressing L.C.D.C. Goal No. 10, Housing Need.

19 23. The Board of County Commissioners also found per
20 testimony from applicant that there is very little advertising of
21 one acre lots, particularly in the area of the site for change in
22 zone, meaning there are very few lots available, again addressing
23 the need, Housing, of L.C.D.C. Goal No. 10.

24 24. The Board of County Commissioners found site for
25 change in zone was in the Henley School District. Also found site
26 had electricity to site as well as telephone service. Site would
27 also be under South Suburban Fire District, therefore addressing
28 L.C.D.C. Goal No. 11, Public Facilities.

1 25. The Board of County Commissioners found that main
2 access off of Highway 140, approximately midway into site for
3 change of zone, that a secondary access may be onto Booth Road
4 which is also off of Highway 140, therefore addressing L.C.D.C.
5 Goal No. 12, Transportation.

6 26. The Board of County Commissioners found per testi-
7 mony that the Klamath Falls Lakeview Highway, being Highway 140,
8 was a state paved highway and appeared to be able to carry the
9 kind of traffic that would be generated by the proposed change in
10 zone, therefore addressing L.C.D.C. Goal No. 12, Transportation.

11 27. The Board of County Commissioners found site for
12 change of zone to be close to the proximity of the urban area
13 where sources of energy such as gas stations, electricity, are
14 located, therefore addressing L.C.D.C. Goal No. 13, Energy
15 Conservation.

16 28. The Board of County Commissioners found per testi-
17 mony that site for change of zone was located in an area where
18 subdivisions and other small parcels are being developed and that
19 applicant's proposal was adjacent to another SP-16 (Planned Unit
20 Development) zoned parcel of land which appears to be the trend
21 and also an urban type developed area, therefore addressing
22 L.C.D.C. Goal No. 14, Urbanization.

23 CONCLUSIONS OF LAW:

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

27 2. The property affected by the proposed change of
28 zone is properly related to streets and highways to adequately

1 serve the type of traffic generated by such uses that may be
2 permitted therein.

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

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

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

13 NOW, THEREFORE, it is hereby ordered that the applica-
14 tion for the zone change from A (Agricultural) to SP-16 (Planned
15 Unit Development) for Bruce and Marie Owens on the subject proper-
16 ty, is hereby granted.

17 DONE AND DATED THIS 24th DAY OF September 1979.

18
19 Harold L. Wynne
20 Chairman

21
22 Member

23
24 Neil Kironen
25 Member

26 APPROVED AS TO FORM:
27 Boivin, Boivin & Aspell

28 By: [Signature]

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STATE OF OREGON; COUNTY OF KLAMATH; ss. .

I hereby certify that the within instrument was received and filed for record on the 27th day of
September A.D., 19 79 at 8:52 o'clock A M., and duly recorded in Vol. M79,
of Deeds on Page 22829.

FEE None

WM. D. MILNE, County Clerk

By: Bernetha Hetch Deputy