

## BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

76524

IN THE MATTER OF THE APPLICATION)  
 FOR COMPREHENSIVE LAND USE PLAN )  
 CHANGE AND ZONE CHANGE 79-15 BY )  
 CARL SNYDER )

O R D E R

THIS MATTER having come on for hearing upon the application of Carl Snyder for a Comprehensive Land Use Plan change from Suburban Density to Residential Recreation and a zone change from AF (Agriculture Forestry) to SP-1 (Rural Residential), by the Klamath County Planning Commission, on real property described as Township 39, Range 8, Section 12, Tax Lot 100. Public hearings having been heard by the Klamath County Planning Commission on June 26, 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 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 26, 1979, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appeared from the testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change in 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 CHANGE:

3 1. The Board of County Commissioners found site for  
4 change in Comprehensive Land Use Plan was approximately 32.8 acres  
5 in size and that the shape was adequate for the proposed use, that  
6 being for residential use.

7 2. The Board of County Commissioners found site for  
8 change in Comprehensive Land Use Plan was located adjacent to  
9 Orindale Road, which is a paved county road.

10 3. The Board of County Commissioners found that the  
11 proposed use and density would be one acre homesites with one  
12 rural residence per lot.

13 4. The Board of County Commissioners found that access  
14 would be off of Orindale Road which is paved and appeared to be  
15 adequate to handle the traffic that would be generated by the  
16 proposed use.

17 5. The Board of County Commissioners found from the  
18 testimony that proposed use and density would be one acre home-  
19 sites, with one residence per lot.

20 6. The Board of County Commissioners found site for  
21 change has access off of Orindale Road, which appeared to be  
22 adequate.

23 7. The Board of County Commissioners found property for  
24 change in Comprehensive Land Use Plan not to have an effect on  
25 surrounding properties as the trend in the area is towards Rural  
26 Residential.

27 8. The Board of County Commissioners found L.C.D.C. Goal  
28 No.1 had been addressed in that notification had been sent to the

1 surrounding property owners plus to those agencies concerned as  
2 well as the media.

3 9. The Board of County Commissioners found site had  
4 Class VI soils, and, therefore, site is not feasible for agricul-  
5 ture purposes, thus addressing L.C.D.C. Goal No. 3.

6 10. The Board of County Commissioners found site for  
7 change would have water by individual wells, therefore addressing  
8 L.C.D.C. Goal No. 6.

9 11. The Board of County Commissioners found development  
10 of site would increase the economy of the area such as providing  
11 jobs from construction, therefore addressing L.C.D.C. Goal No. 9.

12 12. The Board of County Commissioners found proposed use  
13 would provide housing, which applicant indicated a need for,  
14 therefore addressing L.C.D.C. Goal No. 10.

15 13. The Board of County Commissioners found site has  
16 public facilities such as electricity, telephone and was within  
17 a school district, therefore addressing L.C.D.C. Goal No. 11.

18 14. The Board of County Commissioners found site has  
19 access off of Orindale Road which is a paved road, being a county  
20 road, therefore addressing L.C.D.C. Goal No. 12.

21 15. The Board of County Commissioners found site to be  
22 in an area where urban development has taken place, therefore  
23 addressing L.C.D.C. Goal No. 14.

24 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN CHANGE:

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

28 2. The property affected by the proposed Comprehensive

1 Land Use Plan change is properly related to streets and highways  
2 to adequately serve the type of traffic generated by such uses  
3 that may be permitted therein.

4 3. The proposed Comprehensive Land Use Plan change will  
5 have no adverse effect or only limited adverse effect on any  
6 property or the permitted uses thereof within the affected area.

7 4. The proposed Comprehensive Land Use Plan change is in  
8 keeping with any land use plans duly adopted and does, in effect,  
9 represent the highest, best and most appropriate use of the land  
10 affected.

11 5. The proposed Comprehensive Land Use Plan change is in  
12 keeping with land uses and improvements, trends in land develop-  
13 ment, density of land development, and prospective needs for  
14 development in the affected area.

15 FINDINGS OF FACT FOR ZONE CHANGE:

16 1. The Board of County Commissioners found site for  
17 change in zone was approximately 32.8 acres in size and that  
18 the shape was adequate for the proposed use, that being for  
19 residential use.

20 2. The Board of County Commissioners found site for  
21 change in zone was located adjacent to Orindale Road, which is a  
22 paved county road.

23 3. The Board of County Commissioners found that the  
24 proposed use and density would be one acre homesites with one  
25 rural residence per lot.

26 4. The Board of County Commissioners found that access  
27 would be off of Orindale Road which is paved and appeared to be  
28 adequate to handle the traffic that would be generated by the



1 proposed use.

2           5. The Board of County Commissioners found from the  
3 testimony that proposed use and density would be one acre home-  
4 sites, with one residence per lot.

5           6. The Board of County Commissioners found site for  
6 change has access off of Orindale Road, which appeared to be  
7 adequate.

8           7. The Board of County Commissioners found property for  
9 change in zone not to have an effect on surrounding properties as  
10 the trend in the area is towards Rural Residential.

11           8. The Board of County Commissioners found L.C.D.C. Goal  
12 No. 1 had been addressed in that notification had been sent to the  
13 surrounding property owners plus to those agencies concerned as  
14 well as the media.

15           9. The Board of County Commissioners found site had  
16 Class VI soils, and, therefore, site is not feasible for agricul-  
17 ture purposes, thus addressing L.C.D.C. Goal No. 3.

18           10. The Board of County Commissioners found site for  
19 change would have water by individual wells, therefore addressing  
20 L.C.D.C. Goal No. 6.

21           11. The Board of County Commissioners found development  
22 of site would increase the economy of the area such as providing  
23 jobs from construction, therefore addressing L.C.D.C. Goal No. 9.

24           12. The Board of County Commissioners found proposed use  
25 would provide housing, which applicant indicated a need for,  
26 therefore addressing L.C.D.C. Goal No. 10.

27           13. The Board of County Commissioners found site has  
28 public facilities such as electricity, telephone and was within

1 a school district, therefore addressing L.C.D.C. Goal No. 11.

2 14. The Board of County Commissioners found site has  
3 access off of Orindale Road which is a paved road, being a county  
4 road, therefore addressing L.C.D.C. Goal No. 12.

5 15. The Board of County Commissioners found site to be  
6 in an area where urban development has taken place, therefore  
7 addressing L.C.D.C. Goal No. 14.

8 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

26 NOW, THEREFORE, it is hereby ordered that the application  
27 for the Comprehensive Land Use Plan change from Suburban Density  
28 to Residential Recreation and zone change from AF (Agriculture

1 Forestry) to SP-1 (Rural Residential) for Carl Snyder on the sub-  
 2 ject property, is hereby granted.

3 DONE AND DATED THIS 15<sup>th</sup> DAY OF October, 1979.

4  
5  
6 Chairman

7  
8 Alvin A. Chayne  
9 Member

10  
11 Neil Kuonen  
12 Member

13  
14  
15 APPROVED AS TO FORM:  
16 Boivin, Boivin & Aspell

17 By: Robert Boivin

18  
19  
20 Commissioners Journal

21 State of Oregon, } ss.  
22 County of Klamath }

23 I hereby certify that the within instrument was  
24 received and filed for record on the 16th  
25 day of October, 19 79 at 3:03  
26 o'clock P M. and recorded on Page 24357  
27 in Book M79 Records of Deeds  
28 of said County.

WM. D. MILNE, County Clerk

By: Barbara Aftab Deputy

Fee None