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BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY, OREGON

Vol. <sup>m</sup> 79 Page 25382

IN THE MATTER OF THE APPLICATION  
FOR COMPREHENSIVE LAND USE PLAN  
CHANGE AND ZONE CHANGE NO. 79-29)  
BY LLOYD HALL

O R D E R

79 NOV 2 PM 4 25

THIS MATTER having come on for hearing upon the application of Lloyd Hall for a Comprehensive Land Use Plan change from Heavy Industrial to Agricultural and a zone change from SP-12 (Quarry) to AF (Agricultural Forestry), by the Klamath County Planning Commission, on real property described as Township 35, Range 7, Section 20, being Tax Lots 2700 and 2701. Public hearings having been heard by the Klamath County Planning Commission on August 14, 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 September 24, 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 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

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN  
CHANGE:

1. The Board of County Commissioners found that the surrounding Comprehensive Land Use Plan and zoning classifications are Agricultural and AF (Agricultural Forestry).

2. The Board of County Commissioners found lot size to be approximately 98.3 acres, therefore meeting the Property Development Standards of the AF (Agricultural Forestry) zone.

3. The Board of County Commissioners found site for change in Comprehensive Land Use Plan to be near and along the Williamson River and north of the Modoc Point Highway.

4. The Board of County Commissioners found property has access off of Modoc Point Highway, which is adequate to serve the anticipated traffic volume.

5. The Board of County Commissioners found that the Comprehensive Land Use Plan change would not have an effect on the surrounding properties as the existing use on the property is primarily agriculture.

6. The Board of County Commissioners found site for change to agriculture use was the highest and best use as site was determined that the commercial vein of gravel was limited and that the land should be continued to be used for agriculture use.

7. The Board of County Commissioners found that notification had been sent to the surrounding property owners as well as notification to the Herald and News, therefore addressing L.C.D.C. Goal No. 1.

8. The Board of County Commissioners found that the

1 existing land use was a commercial quarry and that quarry has run  
2 out of materials and that pasture and agriculture uses would be  
3 more suitable for site for change in Comprehensive Land Use Plan,  
4 therefore addressing L.C.D.C. Goal No. 2.

5 9. The Board of County Commissioners found soils for  
6 site had a classification of Class IV which require very careful  
7 management for growth of plants, therefore addressing L.C.D.C.  
8 Goal No. 3.

9 10. The Board of County Commissioners found site had  
10 limited amount of mineral resources, and applicant felt that the  
11 site would not be economically feasible to continue quarry  
12 operations, therefore addressing L.C.D.C. Goal No. 5.

13 11. The Board of County Commissioners found site not  
14 to be subject to any natural disasters or hazards, therefore  
15 addressing L.C.D.C. Goal No. 7.

16 12. The Board of County Commissioners found that site  
17 for change in Comprehensive Land Use Plan for agriculture purposes  
18 would have a beneficial effect on the economy of the area,  
19 therefore addressing L.C.D.C. Goal No. 9.

20 13. The Board of County Commissioners found that site  
21 for change in Comprehensive Land Use Plan for agriculture uses  
22 would allow a residence when in conjunction with use and zone,  
23 therefore addressing L.C.D.C. Goal No. 10.

24 14. The Board of County Commissioners found site has  
25 public facilities, such as electricity, telephone service, and  
26 also site is in the Chiloquin School District, therefore  
27 addressing L.C.D.C. Goal No. 11.

28 15. The Board of County Commissioners found site had



1 access from Day School Road which is a county paved road, there-  
2 fore addressing L.C.D.C. Goal No. 12.

3 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN  
4 CHANGE:

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

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

12 3. The proposed Comprehensive Land Use Plan change  
13 will have no adverse effect or only limited adverse effect on  
14 any property or the permitted uses thereof within the affected  
15 area.

16 4. The proposed Comprehensive Land Use Plan change  
17 is in keeping with any land use plans duly adopted and does, in  
18 effect, represent the highest, best and most appropriate use of  
19 the land affected.

20 5. The proposed Comprehensive Land Use Plan change is  
21 in keeping with land uses and improvements, trends in land devel-  
22 opment, density of land development, and prospective needs for  
23 development in the affected area.

24 FINDINGS OF FACT FOR ZONE CHANGE:

25 1. The Board of County Commissioners found that the  
26 surrounding Comprehensive Land Use Plan and zoning classifications  
27 are Agricultural and AF (Agricultural Forestry).

28 2. The Board of County Commissioners found lot size

1 to be approximately 98.3 acres, therefore meeting the Property  
2 Development Standards of the AF (Agricultural Forestry) zone.

3 3. The Board of County Commissioners found site for  
4 change in zone to be near and along the Williamson River and north  
5 of the Modoc Point Highway.

6 4. The Board of County Commissioners found property  
7 has access off of Modoc Point Highway, which is adequate to serve  
8 the anticipated traffic volume.

9 5. The Board of County Commissioners found that the  
10 change in zone would not have an effect on the surrounding  
11 properties as the existing use on the property is primarily  
12 agriculture.

13 6. The Board of County Commissioners found site for  
14 change to agriculture use was the highest and best use as site  
15 was determined that the commercial vein of gravel was limited and  
16 that the land should be continued to be used for agriculture use.

17 7. The Board of County Commissioners found that  
18 notification had been sent to the surrounding property owners as  
19 well as notification to the Herald and News, therefore addressing  
20 L.C.D.C. Goal No. 1.

21 8. The Board of County Commissioners found that the  
22 existing land use was a commercial quarry and that quarry has run  
23 out of materials and that pasture and agriculture uses would be  
24 more suitable for site for change in zone, therefore addressing  
25 L.C.D.C. Goal No. 1.

26 9. The Board of County Commissioners found soils for  
27 site had a classification of Class IV which require very careful  
28 management for growth of plants, therefore addressing L.C.D.C.  
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1 Goal No. 3.

2 10. The Board of County Commissioners found site had  
3 limited amount of mineral resources, and applicant felt that the  
4 site would not be economically feasible to continue quarry  
5 operations, therefore addressing L.C.D.C. Goal No. 5.

6 11. The Board of County Commissioners found site not  
7 to be subject to any natural disasters and hazards, therefore  
8 addressing L.C.D.C. Goal No. 7.

9 12. The Board of County Commissioners found that site  
10 for change in zone for agriculture purposes would have a bene-  
11 ficial effect on the economy of the area, therefore addressing  
12 L.C.D.C. Goal No. 9.

13 13. The Board of County Commissioners found that site  
14 for change in zone for agriculture uses would allow a residence  
15 when in conjunction with use and zone, therefore addressing  
16 L.C.D.C. Goal No. 10.

17 14. The Board of County Commissioners found site has  
18 public facilities, such as electricity, telephone service, and  
19 also site is in Chiloquin School District, therefore addressing  
20 L.C.D.C. Goal No. 11.

21 15. The Board of County Commissioners found site had  
22 access from Day School Road which is a county paved road, there-  
23 fore addressing L.C.D.C. Goal No. 12.

24 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

28 2. The property affected by the proposed change of



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

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

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

10 5. The proposed change of zone is in keeping with land  
11 uses and improvements, trends in land development, density of  
12 land development, and prospective needs for development in the  
13 affected area.

14 NOW, THEREFORE, it is hereby ordered that the applica-  
15 tion for the Comprehensive Land Use Plan change from Heavy  
16 Industrial to Agricultural and zone change from SP-12 (Quarry) to  
17 AF (Agricultural Forestry) for Lloyd Hall on the subject property,  
18 is hereby granted.

19 DONE AND DATED THIS 30<sup>th</sup> DAY OF October, 1979

20  
21 Harold L. Myrnes  
22 Chairman

23 Alvin A. Chynoweth  
24 Member

25 Neil Kuonen  
26 Member

27 APPROVED AS TO FORM:  
28 Boivin, Boivin & Aspell  
By: [Signature]

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Commissioners Journal

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 2nd day of  
November A.D., 19 79 at 4:25 o'clock P M., and duly recorded in Vol M79  
of Deeds on Page 25982.

FEE None

WM. D. MILNE, County Clerk

By Bernetha Shetch Deputy