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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 79-36 BY)
HOWARD MCGEE)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Howard McGee for a zone change from AF (Agricultural-
Forestry) to A (Agricultural) by the Klamath County Planning
Commission, on real property described as Township 38, Range 11 $\frac{1}{2}$,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33. Public hearings having been heard by the
Klamath County Planning Commission on September 11, 1979, where-
from the testimony, reports, and information produced at the hear-
ing 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 November 6, 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 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
No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners found the proposed
site for change in zone to be approximately 25 acres in size and

1 the shape to be rectangle.

2 2. The Board of County Commissioners found the existing
3 Comprehensive Land Use Plan to be Forestry, and, therefore, only
4 a zone change was needed as the use of the land was in connection
5 with the existing Comprehensive Land Use Plan.

6 3. The Board of County Commissioners found site for
7 change in zone to be abutting Highway No. 140 to the north, and
8 approximately one-half mile west of the community of Dairy,
9 Oregon.

10 4. The Board of County Commissioners found site for
11 change in zone to have adequate access to Highway No. 140, and
12 Highway No. 140 is adequate to accept the traffic volume.

13 5. The Board of County Commissioners found that site
14 for change in zone would not have an adverse effect on surrounding
15 properties, as the existing uses, that being houses, were there
16 prior to zoning.

17 6. The Board of County Commissioners found site for
18 change in zone to meet land use trends in the area as there are
19 agriculture and housing uses near site.

20 7. The Board of County Commissioners found site for
21 change in zone would remain in agricultural use and also would
22 allow applicant to utilize parcel for such use.

23 8. The Board of County Commissioners found notification
24 had been sent to the Herald and News and to surrounding property
25 owners as well as the Bonanza Area Committee, therefore addressing
26 L. C. D. C. Goal No. 1.

27 9. The Board of County Commissioners found site for
28 change in land use was for a change in zone, and that site was in

1 conformance with existing land use plans, therefore addressing
2 L. C. D. C. Goal No. 2.

3 10. The Board of County Commissioners found site was
4 to be maintained as an agriculture unit and use to be in conjunc-
5 tion with agricultural uses, therefore addressing L.C.D.C. Goal
6 No. 3.

7 11. The Board of County Commissioners found site for
8 change in zone to have no timber of commercial value, therefore
9 addressing L.C.D.C. Goal No. 4.

10 12. The Board of County Commissioners found site for
11 change in zone to be in a wilderness area, but due to the existing
12 residence use, the proposed change would not affect the wildlife
13 habitats, therefore addressing L.C.D.C. Goal No. 5.

14 13. The Board of County Commissioners found site for
15 change in zone to have well site for water and also a septic tank,
16 therefore addressing L.C.D.C. Goal No. 6.

17 14. The Board of County Commissioners found existing
18 house used on subject parcel is used in conjunction with uses
19 allowed within the agriculture zone, therefore addressing L.C.D.C.
20 Goal No. 10.

21 15. The Board of County Commissioners found site for
22 change in zone to have public facilities, with facilities being
23 electricity, and telephone. Also site is within the Bonanza
24 School District, therefore addressing L.C.D.C. Goal No. 11.

25 16. The Board of County Commissioners found site to
26 have access to the Klamath Falls-Lakeview Highway, and also such
27 highway allows transportation to site, therefore addressing
28 L.C.D.C. Goal No. 12.

1 17. The Board of County Commissioners found site to be
2 close to the community of Dairy, Oregon, where there is gas which
3 possibly would help conserve energy, therefore addressing L.C.D.C.
4 Goal No. 13.

5 18. The Board of County Commissioners found site for
6 change in zone was in an area where urban development has taken
7 place, therefore 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 land
20 uses and improvements, trends in land development, density of land
21 development and prospective needs for development in the affected
22 area.

23 5. The proposed change of zone is in keeping with any
24 land use plans duly adopted and does, in effect, represent the
25 highest, best and most appropriate use of the land affected.

26 NOW, THEREFORE, it is hereby ordered that the applica-
27 tion for the zone change from AF (Agricultural Forestry) to A
28 (Agricultural) for Howard McGee on the subject property, is

1 hereby granted.

2 DONE AND DATED THIS 19th DAY OF December, 1979

3
4 Harold L. Hays
Chairman

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6 Alvin A. Chey
Member

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8 Neil Kroonen
Member

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14 APPROVED AS TO FORM
Boivin, Boivin, & Aspell

15 By: Robert Boivin

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19 STATE OF OREGON; COUNTY OF KLAMATH; ss.

20 Filed for record at request of Klamath County

21 this 21st day of December A. D. 1979 at 4:48 clock P.M., am

22 duly recorded in Vol. M79 of Deeds on Page 29374

23 Wm D. MILNE, County Clerk

24 Boivin, Boivin, & Aspell

25 No Fee