

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 79-38 BY LOUIS)
AND ANNE TOFELL)

O R D E R

THIS MATTER having come on for hearing upon the application of Louis and Anne Tofell 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, Section 7, Tax Lot 400. Public hearings having been heard by the Klamath County Planning Commission on September 25, 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 November 5, 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 site for

1 change in zone from AF (Agricultural Forestry) to A (Agricultural)
2 to be located northwest of Klamath Falls-Lakeview Highway and
3 approximately 220 feet southwest of Callahan Road.

4 2. The Board of County Commissioners found site for
5 change in zone from AF (Agricultural Forestry) to A (Agricultural)
6 to be approximately 2.36 acres in size and basically being rec-
7 tangle in shape.

8 3. The Board of County Commissioners found site had
9 existing buildings and that change in zone would not have an
10 effect on surrounding property as there were other small lots in
11 the area being used for residential in conjunction with agricul-
12 tural uses.

13 4. The Board of County Commissioners found notification
14 had been sent to the surrounding property owners as well as to
15 the Bonanza Area Committee and also to the local media, therefore
16 addressing L. C. D. C. Goal No. 1.

17 5. The Board of County Commissioners found site for
18 change in zone was in conformance with the existing Comprehensive
19 Land Use Plan, that being Agricultural , and that request was a
20 change in zone only, therefore addressing L. C. D. C. Goal No. 2.

21 6. The Board of County Commissioners found site for
22 change of zone, as well as the remaining 150 acres, would remain
23 in agriculture use. The density of the parcels would not change
24 and also would not have an effect on other uses, therefore address-
25 ing L. C. D. C. Goal No. 3.

26 7. The Board of County Commissioners found if applicant
27 were to maintain a twenty-acre parcel it would detrimentally
28 effect the agriculture use of the total parcel and therefore would

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1 not conform to Goal No. 3.

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3 8. The Board of County Commissioners found site for
4 change in zone would remain in agriculture use and therefore
5 maintain the agriculture economy of the area as before, therefore
6 addressing L. C. D. C. Goal No. 9.

7 9. The Board of County Commissioners found that site
8 for change in zone from AF (Agricultural Forestry) to A (Agricul-
9 ture) allows residences when in conjunction with agriculture uses.
10 There is an existing house now on site and would remain and would
11 be utilized in conjunction with agriculture related uses, there-
12 fore addressing L. C. D. C. Goal No. 10.

13 10. The Board of County Commissioners found site for
14 change in zone only had public facilities such as electricity and
15 telephone service. Site is also within the Bonanza School District
16 and the Bly Mountain Fire District, therefore addressing L. C. D.
17 C. Goal No. 11.

18 11. The Board of County Commissioners found site had
19 an existing access off of the Klamath Falls-Lakeview Highway and
20 found highway to be paved and appears to be able to carry the kind
21 of traffic that would be generated, therefore addressing L.C.D.C.
22 Goal No. 12.

23 12. The Board of County Commissioners found site for
24 change in zone is in an agriculture area and will be utilized as
25 an agriculture site and uses in the surrounding area are agricul-
26 ture and therefore not in an area where urbanization has taken
27 place, therefore addressing L. C. D. C. Goal No. 14.

28 CONCLUSIONS OF LAW FOR ZONE CHANGE:

1. The property affected by the change of zone is

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1 adequate in size and shape to facilitate those uses normally
2 allowed in conjunction with such zoning.
3
4 2. The property affected by the proposed change of zone
5 is properly related to streets and highways to adequately serve
6 the type of traffic generated by such uses that may be permitted
7 therein.

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

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

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

18 NOW, THEREFORE, it is hereby ordered that the applica-
19 tion for zone change from AF (Agricultural Forestry) to A (Agri-
20 cultural) for Louis and Anne Tofell on the subject property, is
21 hereby granted.

22 DONE AND DATED THIS 27th DAY OF December, 1979.

23
24 Harold L. Kasper
Chairman

25
26 Alvin C. Thayer
Member

27
28 Bill Kasper
Member

27 APPROVED AS TO FORM:
28 Boivin, Boivin & Aspell
BY Liberty Dow
ZC 179-38

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
December A.D., 19 79 at 9:41 o'clock A M., and duly recorded in Vol. 179
of Deeds on Page 29583.

FEE None

WM. D. MILLER, County Clerk
By Donna H. Hetch Deputy