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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE 79-61 FOR)
WILBUR C. HARNSBERGER)

O R D E R

THIS MATTER having come on for hearing upon the application of Wilbur C. Harnsberger for zone change from AF (Agriculture Forestry) to A (Agriculture) by the Klamath County Planning Commission, on real property described as being in Township 40, Range 9, Section 10, a portion of Tax Lot 73, being approximately 5 acres. Public hearings having been heard by the Klamath County Planning Commission on December 18, 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 February 7, 1980, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears 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 OF ZONE CHANGE:

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1 1. The Board of County Commissioners found site was in
2 conformance with the existing land use plan, that being agricul-
3 ture.

4 2. The Board of County Commissioners found site for
5 change in zone to be located on south side of Cross Road and east
6 of Drain No. 20.

7 3. The Board of County Commissioners found size and
8 shape and proposed use would be on a five-acre parcel, being for
9 an existing home site and gardening site. The 5 acres meets the
10 property development standards of the A (Agriculture) zone.

11 4. The Board of County Commissioners found the anti-
12 cipated traffic will be onto Cross Road and because of existing
13 use, traffic volume will not increase.

14 5. The Board of County Commissioners found applicant
15 has a buyer for the remaining 370 acres which will be used for
16 agriculture use.

17 6. The Board of County Commissioners found notifica-
18 tion had been sent to the surrounding property owners as well as
19 to those agencies of concern. The Board of County Commissioners
20 also found notification had been sent to the area committee,
21 therefore addressing LCDC Goal No. 1.

22 7. The Board of County Commissioners found the site
23 for change in zone to A (Agriculture) will remain in agriculture,
24 which is in conformance with the existing land use plan, therefore
25 addressing LCDC Goal No. 2.

26 8. The Board of County Commissioners found site for
27 change in zone is an agriculture type use and will be utilized as
28 such, therefore addressing LCDC Goal No. 3.

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9. The Board of County Commissioners found site for change in zone from AF to A has an existing septic tank and also an existing well for water, therefore addressing LCDC Goal No. 6.

10. The Board of County Commissioners found site for change in zone would remain in agriculture use and none of the land for agriculture use would be taken out where it would affect the economy of the agricultural industry, therefore addressing LCDC Goal No. 9.

11. The Board of County Commissioners found site for change in zone has an existing house on the 5 acre parcel and will be utilized in conjunction with the agriculture zone, therefore addressing LCDC Goal No. 10.

12. The Board of County Commissioners found public facilities to site are electricity, telephone service, as well as being in the Henley School District, therefore addressing LCDC Goal No. 11.

13. The Board of County Commissioners found site for change in zone had an existing access off of a County paved road which allows transportation to and from site, therefore addressing LCDC Goal No. 12.

14. The Board of County Commissioners found site for change in zone to be close to sources of energy, therefore addressing LCDC Goal No. 13.

CONCLUSIONS OF LAW OF ZONE CHANGE:

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

2. The property affected by the proposed change of

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

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

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

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

14 NOW, THEREFORE, it is hereby ordered that the applica-
 15 tion for the zone change from AF (Agriculture Forestry) to A (Ag-
 16 riculture) for Wilbur C. Harnsberger on the subject property is
 17 hereby granted.

18 DONE AND DATED THIS 10th DAY OF March 1980.

19
 20 Charles A. Cheyne
 21 Chairman

22 Neil Kironen
 23 Member

24 Harold L. Nyman
 25 Member

26 APPROVED AS TO FORM:
 27 Boivin & Boivin

28 BY: Robert D. Boivin

Notary Public

STATE OF OREGON; COUNTY OF KLAMATH; ss. .

I hereby certify that the within instrument was received and filed for record on the 10th day of
March A.D., 1980 at 2:14 o'clock P.M., and duly recorded in Vol. 4467
 of Deeds on Page 4467.

FEE None

W.M. D. MILNE, County Clerk
 By Bernice A. Doloch Deputy