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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)  
FROM COMPREHENSIVE LAND USE PLAN)  
CHANGE AND ZONE CHANGE NO. 79-53)  
BY FRED MAYNARD )

O R D E R

THIS MATTER having come on for hearing upon the applica-  
tion of Fred Maynard for a Comprehensive Land Use Plan change  
from Forestry to Suburban Density and a zone change from AF  
(Agricultural Forestry) to RA (Residential Agricultural), by the  
Klamath County Planning Commission on real property described as  
Township 39, Range 8, Section 14, Tax Lot 8300 of LaWanda Hills  
No. 2, Lot No. 5. Public hearings having been heard by the Klamath  
County Planning Commission on January 22, 1980, 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 dis-  
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 28, 1980,  
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 change of Comprehensive Land  
Use Plan and zone change for the subject property, should be  
denied.

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:

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP  
CHANGE:

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4 1. The Board of County Commissioners found site for  
5 change in Comprehensive Land Use Plan to be generally located  
6 west of LaWanda Hills Subdivision and on the north side of Highway  
7 No. 66, being in the location of Weyerhaeuser Lumber Mill.

8 2. The Board of County Commissioners found site to be  
9 rectangle in shape and approximately 20 acres in size.

10 3. The Board of County Commissioners found site for change  
11 in Comprehensive Land Use Plan was within LaWanda Hills No. 2  
12 Subdivision of which all lots are 20 acres or bigger, and nothing  
13 smaller.

14 4. The Board of County Commissioners found access to site  
15 off of an existing graveled road would be quite steep, and any  
16 further development in the area would make existing roads worse.

17 5. The Board of County Commissioners also found per  
18 testimony the effect of change on surrounding properties would be  
19 adverse if more traffic was brought into the area.

20 6. The Board of County Commissioners found per testimony  
21 from opposition that the trend of LaWanda Hills Subdivision and  
22 other parcels in the area besides LaWanda Hills No. 1 was for 20  
23 acre parcels and larger.

24 7. The Board of County Commissioners found notification  
25 had been sent to the surrounding property owners and also to those  
26 agencies of concern. There was testimony from the applicant as  
27 well as those in opposition, therefore addressing L. C. D. C.  
28 Goal No. 1.

8. The Board of County Commissioners found the existing  
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1 Comprehensive Land Use Plan to be Forestry, and therefore is in  
2 conformance with the existing Comprehensive Land Use Plan, and  
3 therefore addressing L. C. D. C. Goal No. 2.

4 9. The Board of County Commissioners found site for  
5 change in Comprehensive Land Use Plan to have public facilities  
6 such as electricity and telephone, therefore addressing L. C. D.  
7 C. Goal No. 11.

8 10. The Board of County Commissioners found site to be  
9 in a rural area, but in an area where area to the east has been  
10 platted and developed.

11 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP  
12 CHANGE:

13 1. The property affected by the Comprehensive Land Use  
14 Plan change is not adequate in size and shape that is in LaWanda  
15 Hills No. 2.

16 2. The property affected by the proposed change in  
17 Comprehensive Land Use Plan was not properly related to streets  
18 and highways to adequately serve the type of traffic that would  
19 be generated from proposed use.

20 3. The proposed use would have an adverse effect on  
21 property within the permitted area.

22 4. The proposed change was not in keeping with land uses  
23 and trends and density of the affected area.

24 5. The proposed change was not in keeping with land use  
25 plans duly adopted and did not represent the highest and best use  
26 of the land affected.

27 FINDINGS OF FACT FOR ZONE CHANGE:

28 1. The Board of County Commissioners found site for change

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1 of zone to be generally located west of LaWanda Hills Subdivision  
2 and on the north side of Highway No. 66, being in the location of  
3 Weyerhaeuser Lumber Mill.

4 2. The Board of County Commissioners found site to be  
5 rectangle in shape and approximately 20 acres in size.

6 3. The Board of County Commissioners found site for  
7 change in zone was within LaWanda Hill No. 2 Subdivision of which  
8 all lots are 20 acres or bigger, and nothing smaller.

9 4. The Board of County Commissioners found access to  
10 site off of an existing graveled road would be quite steep and  
11 any further development in the area would make existing roads  
12 worse.

13 5. The Board of County Commissioners also found per  
14 testimony that the effect of change on surrounding properties  
15 would be adverse if more traffic was brought into the area.

16 6. The Board of County Commissioners found per testimony  
17 from opposition that the trend of LaWanda Hills Subdivision and  
18 other parcels in the area besides LaWanda Hills No. 1 was for  
19 20 acre parcels and larger.

20 7. The Board of County Commissioners found notification  
21 had been sent to the surrounding property owners and also to those  
22 agencies of concern. There was testimony from the applicant as  
23 well as those in opposition, therefore addressing L. C. D. C.  
24 Goal No. 1.

25 8. The Board of County Commissioners found the existing  
26 Comprehensive Land Use Plan to be Forestry, and therefore is in  
27 conformance with the existing Comprehensive Land Use Plan, and  
28 therefore addressing L. C. D. C. Goal No. 2.

1 9. The Board of County Commissioners found site for  
2 change in zone to have public facilities such as electricity and  
3 telephone, therefore addressing L. C. D. C. Goal No. 11.

4 10. The Board of County Commissioners found site to be  
5 in a rural area, but in an area where area to the east has been  
6 platted and developed.

7 CONCLUSIONS OF LAW FOR ZONE CHANGE:

8 1. The property affected by the proposed change in zone  
9 was not adequate in size and shape that is in LaWanda Hills No. 2.

10 2. The property affected by the proposed change in zone  
11 was not properly related to streets and highways to adequately  
12 serve the type of traffic that would be generated from proposed  
13 use.

14 3. The proposed use would have an adverse effect on  
15 property within the permitted area.

16 4. The proposed change was not in keeping with land uses  
17 and trends and density of the affected area.

18 5. The proposed change was not in keeping with land use  
19 plans duly adopted and did not represent the highest and best use  
20 of the land affected.

21 NOW, THEREFORE, it is hereby ordered that the application  
22 for the Comprehensive Land Use Plan change from Forestry to  
23 Suburban Density and zone change from AF (Agricultural Forestry)  
24 to RA (Residential Agricultural) for Fred Maynard on the subject  
25  
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1 property is hereby denied.

2 DONE AND DATED THIS 17<sup>th</sup> DAY OF March, 1930.

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4  
5 Alvin A. Cheyne  
Chairman

6  
7 Paul Kuonen  
Member

8  
9  
10 Member

11  
12 APPROVED AS TO FORM:  
Boivin & Boivin

13 By: Walter Boivin

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15  
16 STATE OF OREGON; COUNTY OF KLAMATH; ss.

17 Filed for record at request of Klamath County

18 this 17th day of March A. D. 1930 at 3:55 o'clock P. M., and

19 fully recorded in Vol. 130, of Deeds on Page 114

20 Wm D. MILNE, County Clerk

21 By: Bernetha Heltsch

22 No Fee