

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-67)
FOR RICHARD EMARD)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Richard Emard for a Comprehensive Land Use Plan change
from Agricultural to Recreational Residential and a zone change
from AF (Agricultural Forestry) to SP-1 (Rural Residential) by
the Klamath County Planning Commission, on real property described
as Township 35, Range 7, Section 7, Tax Lot 2200, Klamath County,
Oregon. Public hearings having been heard by the Klamath County
Planning Commission on February 26, 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 approval to the
Board of County Commissioners. Following action by the Planning
Commission, a public hearing before the Board of County Commission-
ers was regularly held on March 27, 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 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
No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP

CHANGE:

1. The Board of County Commissioners found site for change to be located approximately 550 feet east of State Highway No. 427, being in the Agency Lake area.

2. The Board of County Commissioners found site for change to be approximately 5 acres in size and rectangular in shape, therefore meeting the Property Development Standards of the SP-1 (Rural Residential) zone.

3. The Board of County Commissioners found site has access off of a dirt road which road is known by the people in the area as Loop Road.

4. The Board of County Commissioners found that the site for change, per testimony, that property would add little or no adverse effect on surrounding property.

5. The Board of County Commissioners found that the Planning Department sent notification to the surrounding property owners as well as to those agencies of concern, therefore addressing L. C. D. C. Goal No. 1.

6. The Board of County Commissioners found site for change in Comprehensive Land Use Plan was to Residential Recreation and that there were other parcels to the west that were Residential Recreational, therefore addressing L. C. D. C. Goal No. 2.

7. The Board of County Commissioners found site for change had a gentle slope and soils had a limitation as to what type of plants would produce. Also the Board of County Commissioners found that the approximate five-acre site was not an economical farming unit, therefore addressing L. C. D. C.

Goal No. 3.

8. The Board of County Commissioners found site for change has no trees of commercial value, therefore addressing L. C. D. C. Goal No. 4.

9. The Board of County Commissioners found site to have an existing house, and with a change in zone and a partitioning of the land, could possibly increase the economy of the area, therefore addressing L. C. D. C. Goal No. 9.

10. The Board of County Commissioners found that site, once partitioned, would allow for additional housing, therefore addressing L. C. D. C. Goal No. 10.

11. The Board of County Commissioners found that site for change has public facilities such as electricity and telephone service. Site is also in a county school district, therefore addressing L. C. D. C. Goal No. 11.

12. The Board of County Commissioners found site has an existing access to the approximate 5 acres, therefore addressing L. C. D. C. Goal No. 12.

13. The Board of County Commissioners found site was in a rural area and some development has taken place, therefore addressing L. C. D. C. Goal No. 14.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

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

2. The property affected by the proposed Comprehensive Land Use Plan change is properly related to streets and highways

1 to adequately serve the type of traffic generated by such uses
2 that may be permitted therein.

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

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

11 5. The proposed Comprehensive Land Use Plan change is
12 in keeping with land uses and improvements, trends in land
13 development, density of land development, and prospective needs
14 for development in the affected area.

15 FINDINGS OF FACT FOR ZONE CHANGE:

16 1. The Board of County Commissioners found site for
17 change to be located approximately 550 feet east of State Highway
18 No. 427, being in the Agency Lake area.

19 2. The Board of County Commissioners found site for
20 change to be approximately 5 acres in size and rectangular in
21 shape, therefore meeting the Property Development Standards of
22 the SP-1 (Rural Residential) zone.

23 3. The Board of County Commissioners found site has
24 access off of a dirt road which road is known by the people in
25 the area as Loop Road.

26 4. The Board of County Commissioners found that the
27 site for change, per testimony, that property would add little
28 or no adverse effect on surrounding property.

1 5. The Board of County Commissioners found that the
2 Planning Department sent notification to the surrounding property
3 owners as well as to those agencies of concern, therefore
4 addressing L. C. D. C. Goal No. 1.

5 6. The Board of County Commissioners found site for
6 change in Comprehensive Land Use Plan was to Residential
7 Recreation and that there were other parcels to the west that
8 were Residential Recreational, therefore addressing L. C. D. C.
9 Goal No. 2.

10 7. The Board of County Commissioners found site for
11 change had a gentle slope and soils had a limitation as to what
12 type of plants would produce. Also the Board of County
13 Commissioners found that the approximate five-acre site was not
14 an economical farming unit, therefore addressing L. C. D. C.
15 Goal No. 3.

16 8. The Board of County Commissioners found site for
17 change has no trees or commercial value, therefore addressing
18 L. C. D. C. Goal No. 4.

19 9. The Board of County Commissioners found site to
20 have an existing house, and with a change in zone and a
21 partitioning of the land, could possibly increase the economy
22 of the area, therefore addressing L. C. D. C. Goal No. 9.

23 10. The Board of County Commissioners found that site,
24 once, partitioned, would allow for additional housing, therefore
25 addressing L. C. D. C. Goal No. 10.

26 11. The Board of County Commissioners found that site
27 for change has public facilities such as electricity and tele-
28 phone service. Site is also in a county school district, there-

1 fore addressing L. C. D. C. Goal No. 11.

2 12. The Board of County Commissioners found site has
3 an existing access to the approximate 5 acres, therefore
4 addressing L. C. D. C. Goal No. 12.

5 13. The Board of County Commissioners found site was in
6 a rural area and some development has taken place, therefore
7 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
20 land uses and improvements, trends in the land development,
21 density of land development and prospective needs for development
22 in the affected 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 application
27 for the Comprehensive Land Use Plan change from Agricultural
28 to Recreational Residential and zone change from AF (Agricultural

1 Forestry) to SP-1 (Rural Residential) for Richard Emard on the
2 subject property is hereby granted.

3 DONE AND DATED THIS 5th DAY OF May, 1980.

4
5 Alvin A. Chayne
6 Chairman

7
8 Paul Kuonen
9 Member

10
11 Joseph L. Kyrone
12 Member

13 APPROVED AS TO FORM:
14 Boivin & Boivin

15 BY Robert Boivin

16
17
18 STATE OF OREGON; COUNTY OF KLAMATH; ss.

19 filed for record at request of Klamath County

20 this 7th day of May A. D. 1980 at 11:27 clock A. M.

21 duly recorded in Vol. M80, of Deeds on Page 8411

22 Wm D. MILNE, County Clerk

23 By William D. Milne

24 No Fee