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BOARD OF COUNTY COMMISSIONERS

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## KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)  
FOR COMPREHENSIVE LAND USE PLAN )  
CHANGE AND ZONE CHANGE NO. 80-28 )  
BY RICHARD GARBUTT, & MICHAEL )  
HENRY )

O R D E R

THIS MATTER having come on for hearing upon the application of Richard Garbutt and Michael Henry for a Comprehensive Land Use Plan change from Forestry to Residential Recreation and a zone change from F (Forestry) to SP-1 (Rural Residential), by the Klamath County Planning Commission, on real property described as Township 39, Range 8, NW $\frac{1}{4}$ , NW $\frac{1}{4}$  of Section 17, being Tax Lot 6100. Public hearings having been heard by the Klamath County Planning Commission on June 24, 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 Commissioners was regularly held on August 7, 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.

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP  
CHANGE:

1. The Board of County Commissioners found that the size and shape of the property is adequate for the proposed Comprehensive Land Use Plan, as size is a forty-acre parcel.

2. The Board of County Commissioners found that site location is off of Round Lake Road about 3.2 miles north of its intersection with Highway No. 66.

3. The Board of County Commissioners found that the proposed use and density is to divide 40 acres into ten lots, which meets the Property Development Standards of the SP-1 (Rural Residential) zone.

4. The Board of County Commissioners found that the property access is adequate being on Round Lake Road, a paved county road which appears to be able to handle proposed traffic.

5. The Board of County Commissioners found that the effect on the surrounding properties would be minimal as there are other smaller lots in the surrounding area, and this would not seem to have much change or effect on the surrounding properties.

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

7. The Board of County Commissioners found site, to be developed into a subdivision, has woodcock Pokegama soils, which are dominated by cold and are of gentle sloping to steep soils. Soil classification is Class VII, therefore addressing L. C. D. C. Goal No. 3.

1           8. The Board of County Commissioners found that the  
2 Forestry Classification of site for change is Class V meaning  
3 production of timber is 50-85 cubic feet, and testimony from  
4 applicant indicated site was not forestable as there were large  
5 openings and gaps on site, therefore addressing L. C. D. C. Goal  
6 No. 4.

7           9. The Board of County Commissioners found that the site  
8 to be developed for future subdivision would need septic tank for  
9 sewer and individual wells for water, therefore addressing L. C.  
10 D. C. Goal No. 6.

11           10. The Board of County Commissioners found site for  
12 change for a future subdivision would be for future homesites  
13 which is allowed in the SP-1 (Rural Residential) zone, therefore  
14 addressing L. C. D. C. Goal No. 10.

15           11. The Board of County Commissioners found the proposed  
16 use would increase housing in the area, as proposed subdivision  
17 is to be 10 lots in size, and the houses would be placed on  
18 four-acre parcels, therefore addressing L. C. D. C. Goal No. 10.

19           12. The Board of County Commissioners found that the  
20 public facilities to the site would be electricity and telephone  
21 as well as being in the Henley School District, therefore address-  
22 ing L. C. D. C. Goal No. 11.

23           13. The Board of County Commissioners found site for  
24 development is outside any urban growth boundaries, therefore  
25 addressing L. C. D. C. Goal No. 14.

26           CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP  
27           CHANGE:

28           1. The property affected by the Comprehensive Land Use

1 Plan change is adequate in size and shape to facilitate those  
2 uses normally allowed in conjunction with such zoning.

3 2. The property affected by the proposed Comprehensive  
4 Land Use Plan change is properly related to streets and highways  
5 to adequately serve the type of traffic generated by such uses  
6 that may be permitted therein.

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

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

14 5. The proposed Comprehensive Land Use Plan change is in  
15 keeping with land uses and improvements, trends in land develop-  
16 ment, density of land development, and prospective needs for  
17 development in the affected area.

18 FINDINGS OF FACT FOR ZONE CHANGE:

19 1. The Board of County Commissioners found that the size  
20 and shape of the property is adequate for the proposed change of  
21 zone, as size is a forty-acre parcel.

22 2. The Board of County Commissioners found that site  
23 location is off of Round Lake Road about 3.2 miles north of its  
24 intersection with Highway No. 66.

25 3. The Board of County Commissioners found that the  
26 proposed use and density is to divide 40 acres into ten lots,  
27 which meets the Property Development Standards of the SP-1 (Rural  
28 Residential) zone.

1           4. The Board of County Commissioners found that the  
2 property access is adequate being on Round Lake Road, a paved  
3 county road which appears to be able to handle proposed traffic.

4           5. The Board of County Commissioners found that the  
5 effect on the surrounding properties would be minimal as there are  
6 other smaller lots in the surrounding area, and this would not  
7 seem to have much change or effect on the surrounding properties.

8           6. The Board of County Commissioners found that the  
9 Planning Department sent notification to the surrounding property  
10 owners as well as to the Keno Area Committee and to those agencies  
11 of concern, therefore addressing L. C. D. C. Goal No. 1.

12           7. The Board of County Commissioners found site, to be  
13 developed into a subdivision, has woodcock Pokegama soils, which  
14 are dominated by cold and are of gentle sloping to steep soils.  
15 Soil classification is Class VII, therefore addressing L. C. D.  
16 C. Goal No. 3.

17           8. The Board of County Commissioners found that the  
18 Forestry Classification of site for change is Class V meaning  
19 production of timber is 50-85 cubic feet, and testimony from  
20 applicant indicated site was not forestable as there were large  
21 openings and gaps on site, therefore addressing L. C. D. C.  
22 Goal No. 4.

23           9. The Board of County Commissioners found that the site  
24 to be developed for future subdivision would need septic tank  
25 for dewer and individual wells for water, therefore addressing  
26 L. C. D. C. Goal No. 6.

27           10. The Board of County Commissioners found site for  
28 change for future subdivision would be for future homesites  
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1 which is allowed in the SP-1 (Rural Residential) zone, therefore  
2 addressing L. C. D. C. Goal No. 10.

3 11. The Board of County Commissioners found the proposed  
4 use would increase housing in the area, as proposed subdivision  
5 is to be 10 lots in size, and the houses would be placed on  
6 four-acre parcels, therefore addressing L. C. D. C. Goal No. 10.

7 12. The Board of County Commissioners found that the  
8 public facilities to the site would be electricity and telephone  
9 as well as being in the Henley School District, therefore address-  
10 ing L. C. D. C. Goal No. 11.

11 13. The Board of County Commissioners found site for  
12 development is outside any urban growth boundaries, therefore  
13 addressing L. C. D. C. Goal No. 14.

14 CONCLUSIONS OF LAW FOR ZONE CHANGE;

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

18 2. The property affected by the proposed change of zone  
19 is properly related to streets and highways to adequately serve  
20 the type of traffic generated by such uses that may be permitted  
21 therein.

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

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

28 5. The proposed change of zone is in keeping with land

1 uses and improvements, trends in land development, density of  
2 land development, and prospective needs for development in the  
3 affected area.

4 NOW, THEREFORE, it is hereby ordered that the application  
5 for the Comprehensive Land Use Plan change from Forestry to  
6 Residential Recreation and zone change from F (Forestry) to  
7 SP-1 (Rural Residential) for Richard Garbutt and Michael Henry  
8 on the subject property, is hereby granted.

9 DONE AND DATED THIS 10<sup>th</sup> DAY OF February, 1981.

10  
11 Neil Kroonen  
12 Chairman

13  
14 Hayd L. Nymme  
15 Member

16  
17 Alvin A. Cheyne  
18 Member

19 APPROVED AS TO FORM:  
20 Boivin & Boivin

21 By Robert Boivin

22  
23 STATE OF OREGON; COUNTY OF KLAMATH; ss.

24 Filed for record at request of Klamath County  
25 this 11th day of February A.D. 19 81 at 2:24 o'clock P.M., and  
26 duly recorded in Vol. MS1, of Needs on Page 2265.

27 By Evelyn Biehn County Clerk  
28

No Fee