

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 80-57 FOR)
CHARLES GOLDSBERRY, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the application of Charles Goldsberry for a zone change from AF (Agricultural Forestry) to A (Agricultural), by the Klamath County Planning Commission, on real property described as Township 39, Range 12, Section 20, Tax Lots 701 and 800. Public hearings having been heard by the Klamath County Planning Commission on December 16, 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 disapproval 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 January 19, 1981, 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 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:

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners finds the zone classifications are agricultural forestry.

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1 2. The Board of County Commissioners finds that the size
2 and shape of the property is rectangular in shape and located
3 in the Langell Valley area.

4 3. The Board of County Commissioners finds that the
5 effect of the change on surrounding properties per testimony
6 from the area committee that change would not be compatible with
7 existing land uses as surrounding uses are more of a larger lot
8 type use, that is twenty acres or larger.

9 4. The Board of County Commissioners finds that the
10 land use trends in the area from a zoning aspect is AF (Agri-
11 cultural Forestry).

12 5. The Board of County Commissioners finds the need for
13 the change is to allow the owner to use the land as it was
14 purchased unknowingly by him that is was zoned wrong, and that
15 it was zoned for the use intended, and therefore the condition
16 created by the owner is not a legitimate need for the change
17 in zone.

18 6. The Board of County Commissioners finds that the
19 Planning Department mailed out notification to surrounding
20 property owners as well as to those agencies of concern, and also
21 mailed out to Langell Valley Area Committee, therefore addressing
22 L. C. D. C. Goal No. 1.

23 CONCLUSIONS OF LAW FOR ZONE CHANGE:

24 1. The property affected by the change of zone is not
25 adequate in size and shape to facilitate those uses normally
26 allowed in conjunction with such zoning.

27 2. The property affected by the proposed change of zone is
28 not properly related to streets and highways to adequately serve

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

3 3. The proposed change of zone will have adverse effect
4 on any property or the permitted uses thereof within the affected
5 area.

6 4. The proposed change of zone is not in keeping with
7 any land use plans duly adopted and does not, in effect, repre-
8 sent the highest, best, and most appropriate use of the land
9 affected.

10 5. The proposed change of zone is not in keeping with
11 land uses and improvements, trends in land development, density
12 of land development, and prospective needs for development in
13 the affected area.

14 NOW, THEREFORE, is is hereby ordered that the application
15 for zone change from AF (Agricultural Forestry) to A (Agricultur-
16 al) for Charles Goldsberry on the subject property is hereby
17 denied.

18 DONE AND DATED THIS 9th DAY OF March, 1981

Chairman

Harold L. Kynner
Member

William A. Cope
Member

26 APPROVED AS TO FORM:
27 BOIVIN & BOIVIN

28 BY Robert D. Boivin

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STATE OF OREGON; COUNTY OF KLAMATH; ss.
I hereby certify that the within instrument was received and filed for record on the

12th day of March A.D., 1981 at 8:35 o'clock A M., and duly recorded in

Vol M8bf Deeds on Page 4440

Fee \$ None

EVELYN BIEHN
COUNTY CLERK

By Debra C. Jones deputy