

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 80-51 FOR)
LOYAL ROOKHUYZEN, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the application of Loyal Rookhuyzen for a zone change from AF (Agricultural Forestry) to A (Agricultural), by the Klamath County Planning Commission, on real property described as Township 40, Range 10, Section 17, Tax Lot 69, being 3.41 acres in size. Public hearings having been heard by the Klamath County Planning Commission on November 25, 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 December 29, 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 zone 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:

1. The Board of County Commissioners finds that the existing and surrounding Comprehensive Land Use Plan and zone

1 classifications are Agricultural and the others are AF (Agri-
2 cultural Forestry) related.

3
4 2. The Board of County Commissioners finds that the
5 size and shape of the property meets the Property Development
6 Standards of the A (Agricultural) zone, and it is currently not
7 non-conforming; it is 3.41 acres and rectangular in shape.

8 3. The Board of County Commissioners finds that the
9 site for change of zone is located west of Hill Road and approxi-
10 mately one mile south of Dehlinger Lane.

11 4. The Board of County Commissioners finds that the
12 property access and adequacy of access to serve the anticipated
13 traffic from the proposed use is adequate.

14 5. The Board of County Commissioners finds that the
15 effect of change on surrounding property would have no adverse
16 effect at this time.

17 6. The Board of County Commissioners finds the land use
18 trends in the area are Agricultural.

19 7. The Board of County Commissioners finds that the
20 need for change is to keep 3.41 acres in agriculture and keep
21 a home site on the 3.41 acres.

22 8. The Board of County Commissioners finds that the
23 Planning Department sent notification to the surrounding property
24 owners as well as to the agencies of concern, and also to the
25 Henley Area Committee, therefore addressing L. C. D. C. Goal No.
26 1.

27 9. The Board of County Commissioners finds that the
28 existing land use designation is Agricultural. Applicant is
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1 cultural uses. The land use will remain the same, that being
2 agricultural, therefore addressing L. C. D. C. Goal No. 2.

3 10. The Board of County Commissioners finds that the
4 site for change with existing house will have septic tank for
5 waste and well for water, therefore addressing L. C. D. C. Goal
6 No. 6.

7 11. The Board of County Commissioners finds that single-
8 family dwelling as well as mobile homes are allowed in the agri-
9 culture zones, when utilized in conjunction with the A (Agricultural) and AF (Agricultural Forestry) zone, therefore addressing L. C. D. C. Goal No. 10.

12 12. The Board of County Commissioners finds that the
13 site has electricity as well as telephone service. Site is also
14 in the Henley School District, therefore addressing L. C. D. C.
15 Goal No. 11.

16 13. The Board of County Commissioners finds that the
17 site has access off of the Hill Road, which is a paved County
18 road. Road appears to be able to carry the kind of traffic that
19 would be generated from the proposed use, therefore addressing
20 L. C. D. C. Goal No. 12.

21 14. The Board of County Commissioners finds that the site
22 is close to an area where one could help to conserve energy,
23 therefore addressing L. C. D. C. Goal No. 13.

24 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

28 2. The property affected by the proposed change of zone

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

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

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

10 5. The proposed change of zone is in keeping with land
 11 uses and improvements, trends in land development, density of
 12 land development, and prospective needs for development in the
 13 affected area.

14 NOW, THEREFORE, it is hereby ordered that the application
 15 for zone change from AF (Agricultural Forestry) to A (Agricul-
 16 tural) for Loyal Rookhuyzen on the subject property, is hereby
 17 granted.

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

19
 20 Chairman

21 Hayden L. Wynne
 22 Member

23 Clara A. Leger
 24 Member

25
 26 APPROVED AS TO FORM:
 27 Boivin & Boivin

28 By Robert 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 M81 of Deeds on page 4443.

Fee \$ None

EVELYN BIEHN

COUNTY CLERK

By Debra O. Janssen Deputy