

1 Residential) and AF (Agricultural Forestry) are adjacent to the
2 site. There are two existing quarries adjacent to the site.

3 2. The Board of County Commissioners finds that the site
4 is located on Lots 6 and 7, Block 1 of the Sprague River Valley
5 Acres, southeast of Godowa Springs Road about three and a half
6 miles north of Beatty.

7 3. The Board of County Commissioners finds that the
8 proposed use is for a light industrial usage for a quarry.

9 4. The Board of County Commissioners finds that the
10 property access would be from Godowa Springs Road provided Mr.
11 Potts have restrictions regarding the access to Godowa Springs
12 Road removed by the County Commissioners. There is a letter from
13 the Department of Public Works dated October 1, 1981, which
14 requests this restriction be removed by the County Commissioners
15 and has no other objections to the usage on Godowa Springs Road
16 for access to the property.

17 5. The Board of County Commissioners finds that there
18 will be little if any detrimental effect on any of the surround-
19 ing properties.

20 6. The Board of County Commissioners finds that the land
21 use trends in the area are towards quarry usage as there are
22 existing quarries already.

23 7. The Board of County Commissioners finds that a hearing
24 on this matter has been scheduled for October 27, 1981, before
25 the Klamath County Planning Commission. Notice of the hearing has
26 been sent to neighboring property owners, the Beatty Area Commit-
27 tee, concerned agencies and to the Herald and News, therefore
28 addressing L. C. D. C. Goal No. 1.

1 8. The Board of County Commissioners finds that the
2 present zoning is SP-1 (Rural Residential) and the Potts'
3 property has been used as a quarry for over a year in violation
4 of that zone's requirement. Mr. Potts has been aware of the
5 violation since October, 1980. The quarry adjoins several other
6 parcels being used for gravel removal. The property involved
7 consists of two lots in Sprague River Valley Acres. The lots in
8 the subdivision range from 1½ to about 5 acres in size. There
9 are a few houses and mobile homes in the immediate vicinity but
10 most of the lots are still vacant. The property to the east of
11 Godowa Springs Road consists of steep to rolling low hills. The
12 area west of the road is generally level and is used for grazing
13 and agriculture. It appears that, at least, initially, the
14 hilly terrain would reduce the visual and other effects of this
15 quarry on the adjoining lots. The proposed SP-12 (Quarry) zone
16 requires a setback of 100 feet from any street, therefore
17 addressing L. C. D. C. Goal No. 2.

18 9. The Soil Conservation Service soil rating for this
19 property is Class VI. An exception to this goal does not appear
20 to be needed since the property meets the test for committed land
21 based on the following criteria:

22 (A) Adjacent Uses - The use immediately to the south is
23 a gravel pit. Residential lots are to the east. The land to the
24 west and north lying across Godowa Springs Road is used for
25 grazing.

26 (B) Facilities and Services - Electrical and telephone
27 service are available to the area but would not be needed by the
28 proposed use. The site fronts on a paved county road and a
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1 cinder public road (Quarry Circle).

2 (C) Parcel Size and Ownership - Parcel size in Sprague
3 River Valley Acres ranges from 1½ to 5 acres with a very small
4 number of larger parcels. The agriculture land to the north and
5 west is in larger tracts of 40 acres and up.

6 (D) Neighborhood and Regional Characteristics - In the
7 Beatty area the predominant use is pasture in the river valley
8 and range on the uplands. Sprague River Valley Acres, Nimrod
9 River Park and similar large recreational subdivisions have been
10 developed mostly on the poorer uplands.

11 (E) Natural Boundaries - The proposed quarry is located
12 on a hillside, separated from the agricultural uses by Godowa
13 Springs Road, therefore addressing L. C. D. C. Goal No. 3.

14 10. The Board of County Commissioners finds that the
15 timber site productivity rating for the property is Class VI,
16 capable of producing 20 to 50 cubic feet of timber annually per
17 acre. There is no merchantable timber on the site and it does
18 not appear that an exception is needed (See Goals 2 and 3),
19 therefore addressing L. C. D. C. Goal No. 4.

20 11. The Board of County Commissioners finds that there
21 are no inventoried scenic or historic resources that would be
22 affected by this proposal. There are no critical wildlife areas
23 designated in the immediate vicinity. Granting of the requested
24 zone change would allow for the expansion of a quarry site serving
25 the Beatty/Sprague River area. The resource is mainly used for
26 such purposes as forestry and farm roads and private driveways,
27 therefore addressing L. C. D. C. Goal No. 5.

28 12. The Board of County Commissioners finds that the

1 quarrying work would be subject to the requirements of the Oregon
2 Department of Geology and Mineral Industries for reclamation and
3 resource quality protection, therefore addressing L. C. D. C.
4 Goal No. 6.

5 13. The Board of County Commissioners finds that the
6 area is not known to be subject to natural hazards, therefore
7 addressing L. C. D. C. Goal No. 7.

8 14. The Board of County Commissioners finds that there
9 are no apparent effects on recreational needs. The proposal
10 would not significantly reduce the land available for hunting,
11 camping, and other recreational uses in the area, therefore
12 addressing L. C. D. C. Goal No. 8.

13 15. The Board of County Commissioners finds that the
14 proposed zone change would provide a small number of jobs in
15 quarrying, transport, and road building, therefore addressing
16 L. C. D. C. Goal No. 9.

17 16. The Board of County Commissioners finds that the
18 proposal would remove two lots from residential use. This would
19 not be a significant loss since over 90% of the lots in this and
20 similar subdivisions in the area are vacant and remain available
21 for use, therefore addressing L. C. D. C. Goal No. 10.

22 17. The Board of County Commissioners finds that the
23 quarry operation would not require additional public facilities
24 or services to be provided, therefore addressing L. C. D. C. Goal
25 No. 11.

26 18. The Board of County Commissioners finds that legal
27 access to the site is from Quarry Circle, a public road within
28 the subdivision. Direct access to Godowa Springs Road was

1 restricted as a condition of approval for Sprague River Valley
 2 Acres. Mr. Potts must apply to the Board of County Commissioners
 3 for removal of this restriction before his access for quarry
 4 purposes can be considered legal, therefore addressing L. C. D.
 5 C. Goal No. 12.

6 19. The Board of County Commissioners finds that the
 7 proposal appears to have little effect on energy use and conser-
 8 vation, therefore addressing L. C. D. C. Goal No. 13.

9 20. The Board of County Commissioners finds that the
 10 site is outside of any urban or urbanizing area of Klamath County,
 11 therefore addressing L. C. D. C. Goal No. 14.

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

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

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

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

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

28 5. The proposed Comprehensive Land Use Plan change is in
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1 keeping with land uses and improvements, trends in land develop-
2 ment, density of land development, and prospective needs for
3 development in the affected area.

4 FINDINGS OF FACT FOR ZONE CHANGE:

5 1. The Board of County Commissioners finds that the
6 existing and surrounding Comprehensive Land Use Plan classifica-
7 tion is Agricultural and Residential Recreation and the existing
8 zoning is SP-1 (Rural Residential). The surrounding lots are
9 some residential lots which are mostly vacant. Some SP-1 (Rural
10 Residential) and AF (Agricultural Forestry) are adjacent to the
11 site. There are two existing quarries adjacent to the site.

12 2. The Board of County Commissioners finds that the site
13 is located on Lots 6 and 7, Block 1 of the Sprague River Valley
14 Acres, southeast of Godowa Springs Road about three and a half
15 miles north of Beatty.

16 3. The Board of County Commissioners finds that the
17 proposed use is for a light industrial usage for a quarry.

18 4. The Board of County Commissioners finds that the
19 property access would be from Godowa Springs Road provided Mr.
20 Potts have restrictions regarding the access to Godowa Springs
21 Road removed by the County Commissioners. There is a letter from
22 the Department of Public Works dated October 1, 1981, which
23 requests this restriction be removed by the County Commissioners
24 and has no other objections to the usage on Godowa Springs Road
25 for access to the property.

26 5. The Board of County Commissioners finds that there
27 will be little if any detrimental effect on any of the surround-
28 ing properties.

1 6. The Board of County Commissioners finds that the land
2 use trends in the area are towards quarry usage as there are
3 existing quarries already.

4 7. The Board of County Commissioners finds that a hearing
5 on this matter has been scheduled for October 27, 1981, before
6 the Klamath County Planning Commission. Notice of the hearing has
7 been sent to neighboring property owners, the Beatty Area Commit-
8 tee, concerned agencies and to the Herald and News, therefore
9 addressing L. C. D. C. Goal No. 1.

10 8. The Board of County Commissioners finds that the
11 present zoning is SP-1 (Rural Residential) and the Potts'
12 property has been used as a quarry for over a year in violation
13 of that zone's requirement. Mr. Potts has been aware of the
14 violation since October, 1980. The quarry adjoins several other
15 parcels being used for gravel removal. The property involved
16 consists of two lots in Sprague River Valley Acres. The lots in
17 the subdivision range from 1½ to about 5 acres in size. There
18 are a few houses and mobile homes in the immediate vicinity but
19 most of the lots are still vacant. The property to the east of
20 Godowa Springs Road consists of steep to rolling low hills. The
21 area west of the road is generally level and is used for grazing
22 and agriculture. It appears that, at least, initially, the
23 hilly terrain would reduce the visual and other effects of this
24 quarry on the adjoining lots. The proposed SP-12 (Quarry) zone
25 requires a setback of 100 feet from any street, therefore
26 addressing L. C. D. C. Goal No. 2.

27 9. The Soil Conservation Service soil rating for this
28 property is Class VI. An exception to this goal does not appear
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1 to be needed since the property meets the test for committed land
2 based on the foregoing criteria:

3 (A) Adjacent Uses - The use immediately to the south is
4 a gravel pit. Residential lots are to the east. The land to the
5 west and north lying across Godowa Springs Road is used for
6 grazing.

7 (B) Facilities and Services - Electrical and telephone
8 service are available to the area but would not be needed by the
9 proposed use. The site fronts on a paved county road and a
10 cinder public road (Quarry Circle).

11 (C) Parcel Size and Ownership - Parcel size in Sprague
12 River Valley Acres ranges from $1\frac{1}{2}$ to 5 acres with a very small
13 number of larger parcels. The agriculture land to the north and
14 west is in larger tracts of 40 acres and up.

15 (D) Neighborhood and Regional Characteristics - In the
16 Beatty area the predominant use is pasture in the river valley
17 and range on the uplands. Sprague River Valley Acres, Nimrod
18 River Park and similar large recreational subdivisions have been
19 developed mostly on the poorer uplands.

20 (E) Natural Boundaries - The proposed quarry is located
21 on a hillside, separated from the agricultural uses by Godowa
22 Springs Road, therefore addressing L. C. D. C. Goal No. 3.

23 10. The Board of County Commissioners finds that the
24 timber site productivity rating for the property is Class VI,
25 capable of producing 20 to 50 cubic feet of timber annually per
26 acre. There is no merchantable timber on the site and it does
27 not appear that an exception is needed (See Goals 2 and 3),
28 therefore addressing L. C. D. C. Goal No. 4.

1 11. The Board of County Commissioners finds that there
2 are no inventoried scenic or historic resources that would be
3 affected by this proposal. There are no critical wildlife areas
4 designated in the immediate vicinity. Granting of the requested
5 zone change would allow for the expansion of a quarry site serving
6 the Beatty/Sprague River area. The resource is mainly used for
7 such purposes as forestry and farm roads and private driveways,
8 therefore addressing L. C. D. C. Goal No. 5.

9 12. The Board of County Commissioners finds that the
10 quarrying work would be subject to the requirements of the Oregon
11 Department of Geology and Mineral Industries for reclamation and
12 resource quality protection, therefore addressing L. C. D. C. Goal
13 No. 6.

14 13. The Board of County Commissioners finds that the
15 area is not known to be subject to natural hazards, therefore
16 addressing L. C. D. C. Goal No. 7.

17 14. The Board of County Commissioners finds that there
18 are no apparent effects on recreational needs. The proposal
19 would not significantly reduce the land available for hunting,
20 camping, and other recreational uses in the area, therefore
21 addressing L. C. D. C. Goal No. 8.

22 15. The Board of County Commissioners finds that the
23 proposed zone change would provide a small number of jobs in
24 quarrying, transport, and road building, therefore addressing
25 L. C. D. C. Goal No. 9.

26 16. The Board of County Commissioners finds that the
27 proposal would remove two lots from residential use. This would
28 not be a significant loss since over 90% of the lots in this and
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1 similar subdivisions in the area are vacant and remain available
2 for use, therefore addressing L. C. D. C. Goal No. 10.

3 17. The Board of County Commissioners finds that the
4 quarry operation would not require additional public facilities
5 or services to be provided, therefore addressing L. C. D. C. Goal
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7 18. The Board of County Commissioners finds that legal
8 access to the site is from Quarry Circle, a public road within
9 the subdivision. Direct access to Godowa Springs Road was
10 restricted as a condition of approval for Sprague River Valley
11 Acres. Mr. Potts must apply to the Board of County Commissioners
12 for removal of this restriction before his access for quarry
13 purposes can be considered legal, therefore addressing L. C. D. C.
14 Goal No. 12.

15 19. The Board of County Commissioners finds that the
16 proposal appears to have little effect on energy use and conser-
17 vation, therefore addressing L. C. D. C. Goal No. 13.

18 20. The Board of County Commissioners finds that the
19 site is outside of any urban or urbanizing area of Klamath County,
20 therefore addressing L. C. D. C. Goal No. 14.

21 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

25 2. The property affected by the proposed change of zone
26 is properly related to streets and highways to adequately serve
27 the type of traffic generated by such uses that may be permitted
28 therein.

1 therein.

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

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

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

12 NOW, THEREFORE, it is hereby ordered that the property
13 described as Lots 6 and 7, Block 1 of Sprague River Valley Acres,
14 being Tax Lots 500 and 600 located in the NW $\frac{1}{4}$ of Section 35,
15 Township 35, Range 12, be granted a Comprehensive Land Use Plan
16 Map change from Agriculture and Residential Recreation to Light
17 Industrial and a zone change from SP-1 (Rural Residential) to
18 SP-12 (Quarry).

19
20 DONE AND DATED THIS 5th DAY OF February, 1982.

21
22 Harold L. Wynne
Chairman of the Board

23
24 Oliver A. Cheyne
Commissioner

25
26 APPROVED AS TO FORM:
Boivin & Boivin

27 By Robert Boivin

28 Ree Kuonen
Commissioner

STATE OF OREGON: COUNTY OF KLAMATH :ss

I hereby certify that the within instrument was received and filed for
record on the 8 day of February A.D., 1982 at 2:47 o'clock p M,
and duly recorded in Vol M 82, of Deeds on page 1602.

Commissioners Journal

Fee \$ No Fee

EVELYN BIEHN COUNTY CLERK

by Joyce McQuinn Deputy