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BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE  
APPLICATION FOR CHANGE  
OF ZONE NUMBER 74-7 BY  
J. ROBERT HARRIS

O R D E R

This matter having come on for hearing upon the application of J. Robert Harris, said change application being numbered Zone Change 74-7 and said application having been heretofore recommended from RA (Residential Agriculture) zone to RD 1500 (Residential Multiple Family) zone by the Klamath County Planning Commission, a description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof, and a public hearing on said application having been regularly held on May 21, 1974 before the Board of Commissioners, and it appearing to said Board of Commissioners from the testimony, reports, and information produced at said hearing by the applicant, interested parties, the Planning Commission and Planning Department, that the application should be granted, the Board of Commissioners makes the following findings as required by Ordinance Number 17, the same being the Klamath County Zoning Ordinance:

1. The applicant has provided specific information, including a waiting list of 98 persons, showing that there is a public need for the undeveloped two (2) acre portion of said zone change, and further showing that the applicant's property is best suited by virtue of its location and the lack of other presently undeveloped and apartment-zoned land to meet said public need; and
2. That only through an error or mistake the four (4) acres of this six (6) acre parcel had not been properly zoned since four (4) acres of this six (6) acre parcel had been developed with thirty-six (36) apartment units prior to the adoption of zoning on December 7, 1972; and
3. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning; and

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

5. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof within a seven hundred (700) foot radius excluding highways and rights-of-way; and

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

7. The application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of J. Robert Harris for a change of zone from RA (Residential Agriculture) to RD 1500 (Residential Multiple Family) zone, a particular description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof, said change application being numbered Zone Change 74-7 is hereby approved.

DONE AND DATED THIS 19<sup>th</sup> day of June 1974.

*Bryan Williams*  
Chairman of the Board

*R. Kyle*  
County Commissioner

*Lloyd Giff*  
County Commissioner

Approved as to form

*Harry D. Bolyard*  
Harry D. Bolyard, Legal Counsel

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## EXHIBIT A

Legal Description for Zone Change 74-7: J. Robert Harris

Commencing at the Northeast corner of Lot 37, Enterprise Tracts, Klamath County, Oregon; thence South 00°15'30" East along the centerline of Avalon Street, 242.83 feet; thence North 89°44'30" East, 30.00 feet to a point on the East boundary of said street for the true point of beginning; thence North 89°44'30" East, 395.00 feet; thence North 00°15'30" West 59.01 feet, to a point on the Southwesterly boundary of the U.S.R.S. "A" canal; thence along said canal boundary 204.24 feet along the ARC of a curve right (which arc has a radius of 433.10 feet and a long chord of North 55°12'32" West 202.35 feet); thence North 41°42' West 183.35 feet to the Southeasterly boundary of Eberlein Avenue; thence along said boundary South 47°54'30" West, 144.93 feet to the East boundary of Avalon Street; thence along said boundary South 00°15'30" East 216.00 feet to the true point of beginning.

STATE OF OREGON,  
County of Klamath  
Filed for record at request of  
KLAMATH COUNTY BOARD OF COMMISSIONERS  
on this 19th day of June A.D. 1974  
at 10:54 o'clock A.M. and duly  
recorded in Vol. M 74 of DEEDS  
Page 7541  
Wm. D. MILNE, County Clerk  
By *[Signature]* Deputy  
Fee None