

BEFORE THE BOARD OF COUNTY COMMISSIONERS

In and for the County of Klamath, State of Oregon

In the matter of the Application)
for Comprehensive Land Use Plan)
Map Change Associated with the) O R D E R
Application for Zone Change No. 75-8)
by WILLIAM RAYMOND)

THIS MATTER having come on for hearing upon the application of WILLIAM RAYMOND for an amendment to the Comprehensive Land Use Plan accompanying Zone Change No. 75-8 for a change from UDR (Urban Density Residential) to MDR (Multiple Density Residential) on the Comprehensive Land Use Map. A public hearing having been heard by the Klamath County Planning Commission on July 15, 1975, where from 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. Following action by the Planning Commission a public hearing before the Board of County Commissioners was regularly held on August 19, 1975 where from the testimony it appeared that the record below was accurate and complete and it appearing from the testimony, reports and information produced at the hearing below that the application for change of Comprehensive Land Use Plan for certain real property described in Exhibit "A" which is attached hereto and incorporated by reference herein, should be granted.

*75 OCT 28 PM 12 32

13483

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. Applicant owns real property particularly described in Exhibit "A", attached hereto, and by reference incorporated herein. The property subject to the zone change consists of approximately 6.82 acres. Located to the north of the property are residential apartments, to the West, on Avalon Street, is located a school. There is residential housing to the South of the property and adjacent to the property on the east is a mobile home park. The major arterial, Avalon Street, runs on the Western boundary of the property. Austin Street and Arthur Street currently end on the southern boundaries of the property. The northeast boundary of the property lies along the "A" Canal. Currently located on the property are some vacant buildings, a house, a garage and the eastern most three acres is used as grazing land.

2. Adjacent properties are zoned RD 1500 to the North, RD 5000 to the east, with a MHP zone to the southeast. Adjacent properties in the city limits of Klamath Falls are all zoned R-5A a High Density Residential Zone of 1,000 sq. ft. Across Eberlien Street, near the YMCA there is a R-7.5 zoning. All zoning appears to be of a higher density than the existing RA Zone. Property within the city appears to be of similar density zoning to what changes are requested in the Comprehensive Map Change and Zone Change.

1348

3. Applicant seeks a Comprehensive Land Use Plan Change to Multiple Density Residential on the property in order to construct an apartment unit complex of approximately 80 units on the western most parcel of property, leaving vacant the 3.75 acre parcel at this time. The intended market for the rental units would be to provide housing for the elderly.

4. Sewer service will be provided to the property by the So. Suburban Sanitary District. Water is available from the Oregon Water Corp. Soil in the area appears to provide adequate drainage. Access to the property will be provided by Avalon Street, a major arterial, and by Arthur and Austin streets, both city streets which deadend on the property.

5. Applicant stated there is a need for additional multiple density residential housing in the Klamath Falls area, especially for senior citizens. Jack Oughin, real estate agent for Chuck Fisher Associates, testified that his office receives several calls daily for rental housing. Also admitted into evidence was a June 30, 1975 article in the Herald and News quoting Edward Rasner, which stated a need exists for 500 new rental units for the elderly. Survey of adjacent multiple dwellings showed a low vacancy rate. A 1970 HUD survey admitted into evidence as Applicant's Exhibit "B" showed that substandard housing exists in the area for senior citizens as well as a general lack of rental units. In concurrence was the Statewide Housing Element Report of June, 1973, which listing showed Klamath Falls and Klamath

13485

County with serious, substandard housing problems for the elderly.

6. Applicant stated property was well suited for the proposed use because of close proximity with Shasta Plaza Shopping Center, K-Mart Store, the YMCA, and ease of accessibility to the Presbyterian Intercommunity Hospital and the new County Nursing Home.

7. Applicant could not find other property available which would provide a more central location and that downtown Klamath Falls has no adequate property available for such purpose.

8. Testimony of adjacent property owners expressed concern that increased traffic would be generated on Austin Street, a graveled street of 40-foot width which dead ends against the subject property. The property owners were concerned that the increased use might cause congestion. Testimony indicated that Arthur Street, having a 60-foot easement could serve the property. Further, certain applicants stated that existing sideyard setbacks on their property coupled to the sideyard setbacks permitted in the proposed zone could cause structures to be located within 15 feet of each other, causing lack of privacy to both units.

9. Applicant has indicated a willingness to restrict access to the easterly portion of the property from Austin Street, and to grant an easement across the westerly portion of the property to Avalon Street.

13486

CONCLUSIONS OF LAW:

1. The property affected by the Comprehensive Land Use Plan change is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning.
2. The property affected by the proposed Comprehensive Land Use Plan change is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein.
3. The proposed Comprehensive Land Use Plan change will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.
4. That the proposed Comprehensive Land Use Plan change is in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.
5. That the proposed Comprehensive Land Use Plan change does in effect represent the highest, best and most appropriate use of the land and is in keeping with the intended purpose of ORS 215.055 and the Comprehensive Land Use Plan Map and Text.

13487

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of WILLIAM RAYMOND for amendment to Comprehensive Land Use Plan accompanying Change of Zone No. 75-8 requesting a change from UDR (Urban Density Residential) to MDR (Multiple Density Residential), on the real property described in Exhibit "A", attached hereto and by reference incorporated herein, is hereby granted, subject to the following conditions:

- (1) That no vehicular access be permitted to the subject property from Austin Street.
- (2) That any construction within the 30-foot setback of applicant's southerly property line shall not exceed one story in height.

DONE and DATED this 27th day of October, 1975.

BOARD OF COUNTY COMMISSIONERS

By Lloyd Galt

By Raymond R. Thome

By _____

APPROVED AS TO FORM:

Robert Brown
County Counsel

13468

EXHIBIT A

RAYMOND

LEGAL DESCRIPTION

ZONE CHANGE 75-8

Property, approximately 6.82 acres in size, generally located on the southerly side of the A Canal east of Avalon St. and extending about 170 feet east of Arthur St. on the east side, and more particularly described as all of Enterprise Tract No. 26, excepting the south 697 feet and excepting the east 260 feet; all of Enterprise Tract No. 31 excepting that portion which is included in the Plat of Sunnyland, Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS
this 28th day of OCTOBER A. D. 1975 at 12:32 o'clock PM, and
duly recorded in Vol. N 75, of DEEDS on Page 13482

FEE NONE

Wm D. MILNE, County Clerk

By Hazel D. Dargatz