

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
Application for Zone Change No. 75-13
by JOHN G. FELDMANN

ORDER

THIS MATTER having come on for hearing upon the application of JOHN G. FELDMANN for an amendment to the Comprehensive Land Use Plan accompanying Zone Change No. 75-13 for a change from Urban Density Residential (UDR) to Multiple Density Residential (MDR) on Comprehensive Land Use Map. A public hearing having been heard by the Klamath County Planning Commission on September 23, 1975 and October 14, 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 November 25, 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 approved.

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:

1. Applicant owns a parcel of real property consisting of approximately 6.8 acres which is irregularly shaped. It lies to the east of Summers Lane, near Denver Avenue. Property to the north and west consist of single family dwellings. Property to the west is bordered by a drainage ditch; to the southwest is Stearns school; directly south to the property, single family dwellings exist; to the east of the property across Summers Lane between Winter and Denver Avenues exist C5 commercial structures; to the east of the property between Onyx and Denver Avenue are single family dwellings.

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2. The applicant seeks a Comprehensive Land Use Plan Change upon the property in order to construct a planned unit development consisting of multiple family dwellings, would conform to the setback requirements of the RD 3,000 zone. Denver approaches and ends at the western boundary of the subject property.

3. Present use of the property appears to be for pasture land. The property further contains a vacant house, garage and a small shed.

4. Applicant seeks the Comprehensive Land Use Plan change on the subject property in order to construct a planned unit development consisting of multiple family dwellings, conforming to the setback requirements of the RD 3,000 zone, to be generally located on the westerly portion of the property. Applicant contemplates construction of approximately 30 units consisting of four-plexes and six-plexes and that the development would conform to the property development standards of the RD 3,000 zone. Applicant also proposed before the Klamath County Planning Commission of use of the front portion of the property for the Commercial-Professional designation.

5. Sewer Service will be provided to the property by the South Suburban Sanitary District. Water is available from the Oregon Water corporation. However, a prior developer of the property had previously withdrawn a request for a change of zone on the parcel citing difficulty in obtaining water service. Soil and topographical conditions appear adequate to provide drainage of the property.

6. Access to the property will be provided by Summers Lane, a major arterial, and Derby Street which will be extended to the subject property.

7. Applicant states that there is need for additional multiple family dwellings in the area by inspecting the newspapers and talking to real estate agents in the area, Mr. Tuter, Mr. Ganong and Mr. Stillwell. Mr. Feldman further states that since purchasing the property in 1970, he has received 15 phone calls in Mt. Vernon, Washington from people wanting to rent the vacant house currently on the premises because they were unable to find a suitable place to live.

8. Applicant states that by the widening of Summers Lane a traffic problem caused by increased use of the property would not exist.

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9. Applicant stated that plat plans submitted at the hearing was not complete and did not represent applicant's intended use of the property for the Commercial-Professional designation.

CONCLUSIONS OF LAW:

1. The property affected by the Change of Zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such Comprehensive Land Use Plan designation in that the Lot size is approximately 6.8 acres and the appropriate required acreage needed is 5 acres.

2. The property affected by the Comprehensive Land Use Plan change is properly related to streets, highways, namely Denver and Summers Lane to adequately serve the type of traffic generated by the intended multiple family dwellings and the type of traffic generated by such uses.

3. The proposed CLUP change would have no adverse effect upon any property or the permitted uses thereof within the affected area as shown from a lack of adverse testimony in this matter.

4. The proposed CLUP 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. The proposed CLUP change does in effect represent the highest, best and most appropriate use of land and is in keeping with the intended purpose of ORS 215.055, the Comprehensive Land Use Plan Map and Text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for amendment to Comprehensive Land Use Plan accompanying Change of Zone No. 75-13 by JOHN G. FELDMANN requesting a change from Urban Density Residential (UDR) to Multiple Density Residential (MDR) on the real property described in Exhibit "A", attached hereto and by reference incorporated herein, is hereby approved, subject to the following:

1. That the use of the premises be and is hereby restricted to multiple density residential to meet the setbacks and requirements of the RD 3,000 zone as a planned unit development within the context of the SP-16 zone.

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2. That the applicant will reapply for a conditional use permit if at such time the applicant desires to use part of the property for a commercial development.

DONE and DATED this 27th day of January, 1976.

BOARD OF COUNTY COMMISSIONERS

By Dwight R. Thorne

By Bryan Williams

By Ford J. Astell

APPROVED AS TO FORM:

BOIVIN & BOIVIN
County Counsel

By Bradford J. Astell
BRADFORD J. ASTELL

EXHIBIT A
LEGAL DESCRIPTION
Zone Change 75-13

Feldmann

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A Tract of Land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, Township 39 South, Range 9 E., W.M., more particularly described as follows:
Beginning at a 5/8 inch iron pin marking the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10; thence south 1° 12' 00" east along the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 and along the centerline of Summers Lane a distance of 64.41 feet to the true point of beginning of this description; thence south 87° 40' 20" west a distance of 30.00 feet to a 5/8 inch iron pin on the westerly right of way line of Summers Lane; thence continuing south 87° 40' 20" West along an existing fence line a distance of 393.72 feet to a 5/8 inch iron pin on the easterly right of way line of the USBR Drain Canal; thence south 26° 17' 00" west along said right of way line a distance of 355.09 feet to a 5/8 inch iron pin; thence north 86° 48' 00" east at right angles to the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 a distance of 415.96 feet to a 5/8 inch iron pin; thence north 01° 12' 00" west parallel with the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 a distance of 100 feet to a 5/8 inch iron pin; thence north 86° 48' 00" east a distance of 270.00 feet to a $\frac{1}{2}$ inch iron pin on the westerly right of way line of Summers Lane; thence continuing north 86° 48' 00" east a distance of 30.00 feet to the east line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 10 and the centerline of Summers Lane; thence North 01° 12' 00" west along said line a distance of 459.34 feet to the true point of beginning of this description.

SAVING AND EXCEPTING THEREFROM the easterly 30 feet thereof lying within the right of way of Summers Lane.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 27th day of JANUARY A.D., 19 76 at 4:08 o'clock P.M., and duly recorded in Vol. 76, of DEEDS on Page 1303.

FEE NONE

WM. D. MILNE, County Clerk

By *Abigail Dugan* Deputy