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## BEFORE THE BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF )  
APPLICATION FOR ZONE )  
CHANGE 75-28 )  
PAUL W. SHIPMAN )

## O R D E R

THIS MATTER having come on for hearing upon the application of PAUL W. SHIPMAN for a Zone Change No. 75-28, for a change from RA (Residential Agricultural) to RD 3,000 (Residential Multiple Family) on real property described as being Tax Lot 4500, generally located on the east side of Hope Street, approximately 400 feet south of So. Sixth Street, and more particularly described on Exhibit A, attached hereto and by reference made a part hereof, and a public hearing on the application having been heard the the Klamath County Planning Commission February 24, 1976, where from the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department staff, and others in attendance, the Planning Commission recommended approval of the application. Following action by the Planning Commission, a public hearing was regularly held before the Board of Commissioners on May 18, 1976, where from the testimony it appeared that the record was accurate and complete, and it appearing from the reports and information produced at the hearing that there was substantial evidence for the action taken by the Planning Commission and that the application should be granted, the Board of Commissioners makes the following findings of fact and conclusions of law in accordance with Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. Applicant seeks a Zone Change from RA (Residential Agricultural) to RD 3,000 (Residential Multiple Family) for the purpose of building a multiple use dwelling on a vacant lot, 14,000 sq. ft. in area.
2. Applicant proposes to build a duplex (live in one-half and rent the other half) which will be compatible with the surrounding neighborhood.
3. The area surrounding subject property is residential. There were no complaints from neighbors or adjacent property owners who were notified of the hearing and to whom the applicant had discussed his plan.
4. Applicant's parcel is adequate in size and shape to allow him to comply with property development standards for the change requested.

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5. Applicant demonstrated a valid need for rental units in the area.

6. Sewer service can be provided by South Suburban Sanitary District; water is available from Oregon Water Corporation; and traffic access to Shasta Way or South Sixth would be off of Hope Street.

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 zoning;

2. 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;

3. The proposed change of zone 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 change of zone 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 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of PAUL W. SHIPMAN for Zone Change No. 75-28, requesting a zone change from RA (Residential Agricultural) to RD 3,000 (Residential Multiple Family) on real property described as being Tax Lot 4500, generally located on the east side of Hope Street, approximately 400 feet south of So. Sixth Street, and more particularly described on Exhibit A, attached hereto and by reference made a part thereof, is hereby approved.

DONE AND DATED THIS 28<sup>th</sup> day of May, 1976.

Chairman

Commissioner

Commissioner

APPROVED AS TO FORM  
Boivin and Boivin  
Legal Counsel

By

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PAUL W. SHIPMAN

EXHIBIT A  
LEGAL DESCRIPTION

Zone Change 75-28

A portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, Township 39 So., Range 9 East of the Willamette Meridian, described as follows:

Beginning at a point on the south boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; 495 feet east of the southwest corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence north and parallel to the west line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$  420 feet to the southwest corner of the tract herein conveyed being the place of beginning of this description; thence from said place of beginning east and parallel to the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$  165 feet; thence north and parallel to the west line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$  200 feet; thence west and parallel to the north line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$  165 feet; thence south and parallel to the west line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$  200 feet to the place of beginning.

EXCEPTING THEREFROM the west 25 feet in Hope Street, 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 May, A.D. 1976 at 3:16 o'clock PM, or  
duly recorded in Vol. M 76, of DEEDS on Page 7984  
NO FEE  
By Wm D. MILNE County Clerk