

BEFORE THE BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION)
 FOR ZONE CHANGE NO. 76-1)
 BY DAVID VANDENBERG FOR)
 EKO INVESTMENT)

O R D E R

THIS MATTER having come on for hearing upon the application No. 76-1 by DAVID VANDENBERG for EKO INVESTMENT for a zone change from RD 8,000 (Residential Single Family) zone to RD 1,500 (Multiple Family Residential) zone on real property described as being a lot approximately one and one-fourth acres in size generally located on the southeast corner of Cannon Avenue and Fargo Street, more particularly described as Lots 7-24 of Block 8, St. Francis Park, Klamath County, Oregon, and a public hearing on the application having been heard by the Klamath County Planning Commission on April 27, 1976, where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department Staff and others in attendance, the Planning Commission recommended to the Board of Commissioners for approval of the application. Following action by the Planning Commission, a public hearing was regularly held before the Board of County Commissioners on May 12th, 1976, where from reviewing the record, the testimony, reports and information produced at the hearing it appeared that the record was accurate and complete and that the application should be granted, the Board of County Commissioners make the following Findings of Fact and Conclusions of Law in accordance with Ordinance 17 the Klamath County Zoning Ordinance.

Findings of Fact:

1. Applicant is requesting a change in zone from RD 8,000 (Residential Single Family) to RD 1,500 (Residential Multiple Family) in order to build an apartment complex on Lots 7-24, Block 8 of St. Francis Park.
2. Phases III and IV of EKO Manor Apartments were planned in 1968 prior to zoning as a long-range planned development. Cannon Street was constructed by the developer and dedicated to the County at that time. The property for the site has been in the same ownership since prior to zoning.
3. There is a need in the community for rental housing as shown in Applicant's Exhibits 16, 17, 18 and 24, exhibits being letters stating residential multiple family need from real estate and Klamath Housing authorities.
4. Traffic access, water and sewer facilities are adequate to serve the proposed development.

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5. The proposed development is the highest and best use of the property.

6. There is no other property available any closer to facilities for multiple residential needs that is properly zoned.

7. Drainage from subject property is to be disposed of by plans submitted which will consist of an 18 inch pipe which will meet all Klamath Irrigation District regulations.

Commencing on the project will start as soon as it is practicable, allowable and agreeable by Klamath Irrigation District and applicant will post suitable bond or security in the amount of the cost of the project. The drain ditch from Fargo Street west to the A Canal will be cleaned one time by applicant, contingent upon approval of the property owners adjacent to ditch. See Exhibits 1 and 2--being preliminary drawing from the developer and a letter from Klamath Irrigation District stating requirements and approval to start construction of the project, which are hereby incorporated into this Order by reference.

Conclusions of Law:

1. The property affected by the Zone Change is adequate in size and shape to facilitate those uses normally allowed in conjunction with such uses.

2. The property affected by the proposed Zone 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 Zone Change will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. The proposed Zone Change is in keeping with land uses and improvements, trends in land development, density and prospective needs for development in the affected area.

5. The proposed Zone Change represents the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of DAVID VANDENBERG for EKO INVESTMENT for a change of zone from RD 8,000 (Residential Single Family) to RD 1,500 (Residential Multiple Family) on that real property described as a lot approximately one and one-fourth acres in size generally located

ZONE CHANGE 76-1
DAVID VANDENBERG FOR EKO INVESTMENT
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on the southeast corner of Cannon Avenue and Fargo Street,
more particularly described as Lots 7-14 of Block 8, St. Francis
Park, Klamath County, Oregon, is hereby granted.

DONE AND DATED THIS 15th day of June, 1976.

Raymond P. Thorne
Chairman

Bryan Williams
County Commissioner

Lloyd Giff
County Commissioner

APPROVED AS TO FORM
Boivin and Boivin
County Legal Counsel

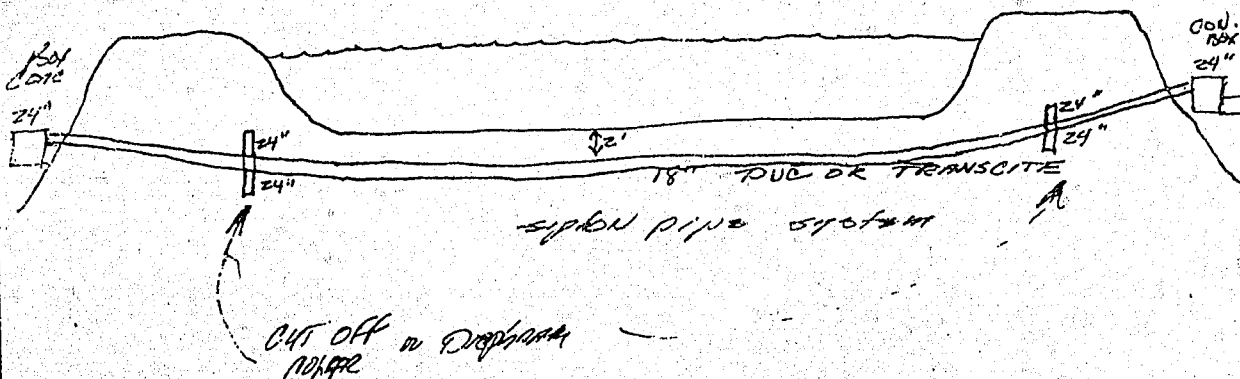
By Boivin and Boivin

PRELIM
DRAWINGS

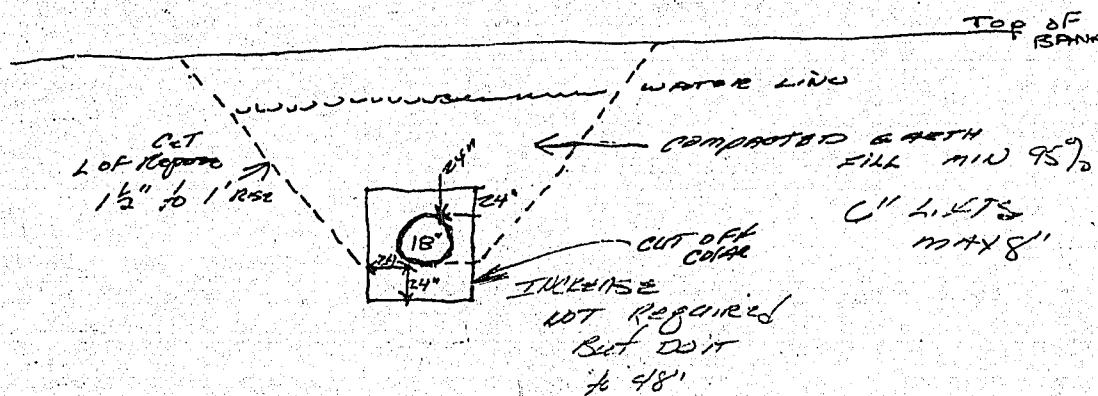
John W. Wadley
Design Engineer

SPECIFICATIONS FOR CANAL CROSSING

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BANK PROFILE



Jan

Anton M. Suty, RAY L. ROBERTS, MANAGER
JOHN A. MARSHALL, PRESIDENT ~~XXXXXXXXXXXX~~ DIRECTOR CHARLES T. BROOKSHIRE, DIRECTOR ~~XXXXXXXXXXXX~~

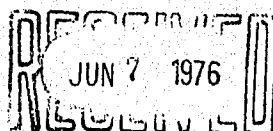
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Anna G. Booth, Secty.

KLAMATH IRRIGATION DISTRICT

HEADQUARTERS OFFICE
6640 K. I. D. LANE - (503) 882-6661
KLAMATH FALLS, OREGON 97601

June 7, 1976



Eko Construction Co., Inc.
4507 Cannon St.
Klamath Falls, Oregon 97601

Gentlemen:

The requirements for a crossing on the A Canal in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Twp. 39 S., Range 9 E. W.M. are as follows:

1. Pipe to be 18" transite or P.V.C.
2. Two cut-offs, each to extend 3' around pipe, one in each bank.
3. Two 48" concrete stilling basins.
4. Trash rack to be installed on inlet of pipe.
5. Pipe to be 2' below bottom of Canal.
6. No vertical cuts. Cuts to be on 1 $\frac{1}{2}$ to 1 slope.
7. Compaction to be supervised by Klamath Irrigation District.

If you accept the above requirements, we will approve your plans for this crossing.

Very truly yours,

Ray L. Roberts
Manager

Anton M. Suty, RAY L. ROBERTS, MANAGER
JOHN A. MARSHALL, PRESIDENT ~~WILLIAM HANKINS, DIRECTOR~~ CHARLES T. BROOKSHIRE, DIRECTOR

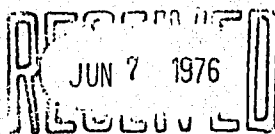
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Anna G. Booth, Secy.
~~JOHN A. MARSHALL, PRESIDENT~~

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Very truly yours,

Ray L. Roberts
Manager

The above requirements are hereby accepted and we agree to the conditions of construction specified herein.

Dated this 7th day of June, 1976.

Lewis E. Lubs
EKO INVESTMENTS INC.

SEC/TREASURER

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS

this 15th day of JUNE A. D. 1976 at 2:17 o'clock P. M., in

fully recorded in Vol. M 76, of DEEDS on Page 8842

NO FEE

Wm D. MILNE, County Clerk

Wm D. Milne