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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 NO. 76-7 )  
MARY A. EWING )

## O R D E R

THIS MATTER having come on for hearing upon the application No. 76-7 by Mary A. Ewing for a change of zone from RA (Residential Agricultural) to RD 5,000 (Residential Single Family) on real property described as all of Lots 1, 2 and a portion of Lot 3, Yalta Gardens, Section 2, Township 39, Range 9, located on the east side of Wiard Street and approximately 70 feet south of Bryant Avenue, Klamath County, Oregon, and a public hearing on the application having been heard by the Klamath County Planning Commission on June 1, 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 July 26, 1976, where from the testimony it appeared that the record was accurate and complete and it appearing from 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. There is a need for RD 5,000 lots to build upon, evident from the testimony produced by the applicant at the hearing.
2. The proposed lot which is 60 feet by 210 feet meets the property development standards of the RD 5,000 zone.
3. The applicant seeks a change in zone from RA (Residential Agricultural) to RD 5,000 (Single Family Residential) for the purpose of creating a lot of 12,600 square feet in order to build on.
4. The proposed site is too narrow to permit dividing of the lot further.

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5. Similar zones are located west of the subject property.
6. The proposed site will have access off of Wiard Street and, therefore, the site properly relates to streets to adequately serve the type of traffic that will be generated by the proposed change of zone.

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 Mary A. Ewing for Zone Change 76-7, requesting and change of zone from RA (Residential Agricultural) to RD 5,000 (Single Family Residential) on real property described as all of Lots 1, 2 and a portion of Lot 3, Yalta Gardens, Section 2, Township 39, Range 0, located on the east side of Wiard Street and approximately 70 feet south of Bryant Avenue, Klamath County, Oregon, is hereby approved.

DONE AND DATED THIS 5th day of August, 1976.

*Raymond R. Thorne*  
Chairman

*Bryan Williams*  
Commissioner

*Floyd Giff*  
Commissioner

APPROVED AS TO FORM:  
Boivin and Boivin  
County Legal Counsel

By *Boivin*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 11th day of AUGUST A.D., 19 76 at 8:30 o'clock A.M., and duly recorded in Vol. M 76, of DEEDS on Page 12373.

FEE NONE

WM. D. MILNE, County Clerk

By *Hazel Hazen* Deputy