

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. 76-15,)
CURTIS BANEY)

O R D E R

THIS MATTER having come for hearing on the application No. 76-15 by Curtis Baney for a change of Zone from RD 8,000 (Residential Single Family) to RD 500 (Residential Multiple Family) on real property described as Lots 8, and the N¹/₂ of Lot 9, Block 1, of Home Acres, Klamath County, Oregon, and a public hearing on the application having been heard by the Klamath County Planning Commission on August 11, 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 September 7, 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. The Comprehensive Land Use Plan designation is presently Residential-Multiple
2. Letters from Edward W. Rasner, Klamath Housing Authority dated August 9, 1976, and Andy Silani, Realtor, dated August 9, 1976, demonstrate that a public need for the proposed use exists.
3. The general trend for the area appears to be toward commercial and multi-family residential.
4. The property was acquired in 1971, prior to zoning, with an apparent intent of constructing apartments.
5. No objections were received from surrounding property owners.
6. Applicant seeks a zone change from RD 8,000 to RD 500, on the property in order to construct an apartment unit complex, approximately 32 additional units on property where there are already 32 units in existence.
7. The property in question is roughly 1 $\frac{1}{2}$ acres and is adequate in shape to facilitate the proposed use.

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8. Properties in the approximate area are being used for multiple housing with the Comprehensive Land Use Plan for these properties as being that of Multiple Residential.

9. Access will be off of Arthur Street which is adequate to serve the type of traffic to be generated by the proposed use.

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 any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

5. That the proposed 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Curtis Baney for Zone Change 76-15, requesting a change of zone from RD 8,000 (Residential Single Family) to RD 500 (Residential Multiple Family) on real property described as Lot 8, and the N¹/₂ of Lot 9, Block 1 of Home Acres, Klamath County, Oregon, is hereby approved.

DONE AND DATED THIS 16th day of November, 1976.

Raymond P. Thorne
Raymond Thorne
Chairman

Bryant Williams
Bryant Williams
Commissioner

Lloyd Gift
Lloyd Gift
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Robert D. Brown*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 17th day of
NOVEMBER A.D. 19 76 at 12:16 o'clock P M., and duly recorded in Vol M 76
of DEEDS on Page 18298.

FEE NONE

WM. D. MILNE, County Clerk

By *Hazel Drazie* Deputy