

BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION
FOR CHANGE OF ZONE NUMBER 76-18
BY PAUL A. WHITMAN

O R D E R

THIS MATTER having come on for hearing upon the application of Paul A. Whitman for a change of zone, Number 76-18, for a change from RD 10,000 (Single Family Residential) to RA (Residential Agriculture). A public hearing having been heard by the Klamath County Planning Commission on October 26, 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 before the Board of County Commissioners was regularly held on December 8, 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 application for a change in Zone for certain real property described as a parcel of land approximately 14,490 square feet in area and generally located on the east side of Ivory Street and approximately 146 feet south of Frieda Street and more particularly described as Lot 21 of Lewis Tracts being in the SW $\frac{1}{4}$, Section 25, Township 38, Range 9, should be granted. The Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. The 14,490 square foot lot is adequate in shape to facilitate those uses normally allowed in conjunction with such zoning.
2. The property is located on Ivory Street which is adequate to serve the type of traffic generated by such uses that may be permitted therein.
2. The proposed change of zone will have no adverse effect or only limited adverse effect on any property or the permitted uses therein within the affected area.
4. The proposed zone change is in keeping with land uses and improvements, trends in land development in the area as adjoining property owners have two dwellings on their property which are rentals.
5. The applicant has agreed to make a deed restriction limiting the keeping of livestock on the property.

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Conclusions of Law:

1. The property affected by the change of zone is adequate in 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 A. Whitman for a change of zone from RD 10,000 (Single Family Residential) to RA (Residential Agriculture) on real property described as a parcel of land approximately 14,490 square feet in area and 146 feet south of Frieda Street and more particularly described as Lot 21 of Lewis Tracts being in the SW $\frac{1}{4}$, Section 35, Township 38, Range 9, is hereby granted.

DONE AND DATED THIS 12th day of January, 1977.

Lloyd Giff
Lloyd Giff
Chairman

Nell Kuonen
Nell Kuonen
Commissioner

Raymond T. Thorne
Raymond Thorne
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Barbara H. Hager*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 25th day of FEBRUARY A.D., 19 77 at 2:58 o'clock P.M., and duly recorded in Vol. M 77, of DEEDS on Page 3353.

FEE none

WM. D. MILNE, County Clerk

By *Harold D. Hager* Deputy