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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 CHANGE OF ZONE NUMBER 76-23)
BY C. A. WINETROUT)

O R D E R

THIS MATTER having come for hearing upon the application of C. A. Winetrout for a zone change from RD 8,000 (Single Family Residential) to RD 500 (Residential Multi-Family Zone) on real property described as a parcel of land approximately 72.2 feet by 299.6 feet in area, generally located on the west side of Arthur Street and more specifically described as the south one-half of Tract D of Enterprise Tract No. 24, Klamath County, Oregon. A public hearing on the application having been heard by the Klamath County Planning Commission on November 9, 1976, where from testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department staff and other persons 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 January 10, 1977, where from the testimony it appeared that the record was accurate and complete and it appearing from the testimony, reports and information produced at the hearing below that the application should be granted.

The Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

Findings of Fact:

1. The testimony given to the Planning Commission on November 9, 1976, indicated the Comprehensive Land Use Plan conforms with the use, that being for Multiple Residential, for that area as described as being the south one-half of Tract D of Enterprise Tract No. 24, Klamath County, Oregon.
2. The testimony given before the Planning Commission on November 9, 1976, and on January 10, 1977, indicated that the property was located west of Arthur Street with Arthur Street running north and south and having access to the south onto South Sixth Street and access to the north onto Shasta Way.

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3. Testimony by the applicant and staff indicated that trends and development in this area were for multiple-type zoning, which the applicant applied for. It was pointed out by the staff on Klamath County Exhibit C, being an access map, that to the south of the site was an apartment complex and also to the north of the site was another apartment complex.

4. The applicant testified and also introduced on November 9, 1976, to the Planning Commission, a survey that had been taken indicating that there was a need for additional apartments. This survey was marked Applicants Exhibit 1 and made part of the record.

5. The applicant testified that he had contacted the manager of the Cimarron Apartments and that the manager indicated to the applicant that they had no vacancies and were always turning people away.

6. Testimony indicated that this was a zone change only and not a Comprehensive Land Use Plan change, therefore indicating that this site conforms with the Comprehensive Land Use Plan.

7. The applicant testified that the proposed units would tie in with the existing units and therefore felt that this was the best suited site.

8. Testimony given by staff and applicant indicated that there were other multiple units in the area.

9. Applicant gave testimony that drainage would be into the appropriate ditches in the area, that being to the east of the property and out towards Arthur Street, and would not have any drainage water run-off onto abutting properties.

10. Applicant made application for a change of zone from RD 8,000 (Single Family Residential) to RD 500 (Residential Multi-Family) and testimony given at the Planning Commission Hearing on November 9, 1976, indicated proposed site as being 21,631 square feet and, therefore, proposed site is adequate in size and shape for multiple use.

11. Staff indicated on maps, being Klamath County Exhibits C and D, which were entered as Exhibits to the Planning Commission on November 9, 1976, that access would be onto Arthur Street which leads to Shasta Way and South Sixth Street which are adequate for the type of traffic generated by the proposed use, that being for multiple residential use.

12. Testimony was given by the applicant indicating access would also be improved from what it is now and that there would be two accesses in case of an emergency.

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 C. A. Winetrout for a change of zone from RD 8,000 (Single Family Residential) to RD 500 (Residential Multi-Family) on real property described as a parcel of land approximately 72.2 feet by 299.6 feet in area and more specifically described as the south one-half of Tract D of Enterprise Tract No. 27, Klamath County, Oregon, said application being Numbered 76-23, is hereby granted.

DONE AND DATED THIS 18th DAY OF APRIL, 1977.

Lloyd Giff
Lloyd Giff
Chairman

Neil Kuonen
Neil Kuonen
Commissioner

Raymond P. Thorne
Raymond Thorne
Commissioner

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
County Legal Counsel

By Brian J. Aspell

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 20th day of APRIL A.D., 1977 at 12:40 o'clock P M., and duly recorded in Vol M 77, of DEEDS on Page 6720.

FEE NONE

WM. D. MILNE, County Clerk

By Hazel Drazic Deputy

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