

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

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE 76-29,)
JERRY MOLATORE)

O R D E R

THIS MATTER having come on for hearing upon the application of Jerry Molatore for a Zone Change from C-5 (Commercial Highway) to C-4 (Commercial Central Business District) on real property generally described as property being 2.06 acres in size and lying in the East $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 1, Township 39, Range 9 and more particularly described in the Legal Description, marked Exhibit A, attached hereto and by reference made a part hereof. A public hearing having been heard by the Klamath County Planning Commission on December 14, 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 January 31, 1977, 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 Number 76-29 for Jerry Molatore 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. Testimony by the applicant and staff indicated that subject parcel was 2.06 acres in size, which is approximately 89,700 square feet and, therefore, meets the Property Development Standards and all required setbacks of the Klamath County Zoning Ordinance No. 17.
2. Applicant stated that the proposed site has 200 feet of frontage on South Sixth Street and has access onto South Sixth Street which will provide adequate traffic carrying capabilities for the funeral home.
3. Testimony indicated proposed parcel is vacant and proposed use, improvements and land development will beautify site, where no adverse effect on abutting properties will be felt.

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4. Applicant indicated that the proposed site will meet the required off-street parking, as required by Ordinance No. 17, the Klamath County Zoning Ordinance.

5. Applicant stated before the Planning Commission on December 14, 1976, that they searched for other properties in the City and Suburban Area and could not find other properties adequate enough to represent their proposed use, that being a funeral home.

6. Exhibit 5, introduced and made a part of the record on December 14, 1976, indicated to the Planning Commission that there was a need for such use, that being a funeral home.

7. Applicant applied for a Conditional Use Permit for use of a funeral home and applicants will meet all required drainage requirements and conditions as stated under the Conditional Use Permit application.

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 Jerry Molatore for a change of zone from C-5 (Commercial Highway) to C-4 (Commercial Central Business District) on real property general described as being 2.06 acres in size and lying in the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 1, Township 39, Range

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9 and more particularly described in the Legal Description,
marked Exhibit A, attached hereto and by reference made a part
hereof, said application being numbered Zone Change 76-29, is
hereby approved.

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

Lloyd Gift
Lloyd Gift
Chairman

Neil Kuonen
Neil Kuonen
Commissioner

Raymond R. Thorne
Raymond Thorne
Commissioner

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

By Bruce Aspell

EXHIBIT A
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The following described real property in Klamath County, Oregon:

A parcel of land lying in the East 1/2 of SW 1/4 of Sec. 1, Twp. 39 S, Rge. 9 E.W.M., described as follows:

Beginning at an iron pin which lies North 0° 51' West along the 40 line a distance of 462.3 feet and North 89° 09' East a distance of 262.2 feet and South 46° 09' East a distance of 657.8 feet from the iron axle which marks the Southwest corner of the NE 1/4 SW 1/4 of Section 1; and running thence continuing South 46° 09' East a distance of 352.1 feet to an iron pin which lies on the Northwestern right of way line of the Enterprise Irrigation Canal; thence North 11° 21' East along the northwesterly right of way line of the Enterprise Canal; a distance of 337.4 feet to an iron pin; thence continuing along the Northwestern right of way line of the Enterprise Irrigation Canal North 60° 21' East a distance of 103.3 feet to an iron pin on the Klamath Falls-Lakeview Highway Southerly right of way line of 30 feet at right angles from its center; thence North 46° 09' West along the above mentioned highway right of way line a distance of 200 feet to an iron pin; thence South 43° 51' West a distance of 384 feet more or less to the point of beginning.

STATE OF OREGON, COUNTY OF KLAMATH, ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS 12:40.

this 20th day of APRIL A. D. 1977 at 1:00 PM and

duly recorded in Vol. N 77 of DEEDS on page 6731.

NO FEE \$X

W. D. NUNE, County Clerk

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