

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

IN THE MATTER OF APPLICATION
FOR ZONE CHANGE 77-10
Rose Hantzman

O R D E R

THIS MATTER having come on for hearing upon the application of Rose Hantzman for a change in zone from RA (Residential Agricultural) to RD 8,000 (Residential Single Family). A public hearing having been heard by the Klamath County Planning Commission on June 28, 1977, where from the 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 July 15, 1977, where from the testimony it appeared that the record below was accurate and complete and it appearing from testimony, reports and information produced at the hearing below that the application for a change on certain real property described as being 28,900 feet in size and generally located on the north side of Mack Avenue, and approximately 461 feet east of the l-c drain and approximately 400 feet of Summers Lane and more particularly described in Exhibit A, attached hereto and by reference made a part hereof, should be granted.

The Board of Commissioners made the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17 Klamath County Zoning Ordinance.

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1 FINDINGS OF FACT:

2 1. On June 28, 1977, before the Planning Commission,
3 Planning Department Staff testimony indicated that the proposed site
4 was generally located on the North side of Mack Avenue and approxi-
5 mately 46 feet east of the l-c drain and approximately 400 feet west
6 of Summers Lane.

7 2. Testimony from the Planning Department indicated that
8 the CLUP map indicated tha proposed site as that of Urban Density and
9 therefore, no change involved.

10 3. The Planning Department Staff as well as the applicant
11 indicated that the surrounding area was that of Residential uses.

12 4. The Planning Department Staff on June 28, 1977, pointed
13 out that the access would remain in the same location and would be
14 off of Mack Avenue which is a County Paved road and could carry the
15 quantity and kind of traffic generated by such a proposed use.

16 5. The applicant indicated to the Planning Commission that
17 there were presently two dwellings on the property and therefore, no
18 additional traffic would be generated.

19 6. Testimony pointed out to the Planning Commission on
20 June 28, 1977, that the change in zone would have no adverse affect,
21 because several adjoining lots are similarly zoned for residential
22 purposes and other large lots have been divided into smaller lots,
23 which appears to be the trend of the area.

24 7. Testimony from the applicant indicated to the Planning
25 Commission on June 28, 1977, that they had a buyer for the proposed
26 site and therefore, there was a need for Single-Family ownership of
27 this site and home.

28 8. Testimony to the Planning Commission was pointed out

1 that this type of zone change would be a minimal one because there
2 would be no change in the use of the land as its use is intended for
3 Residential purposes.

4 CONCLUSIONS OF LAW:

5 1. The property affected by the change of zone is adequate
6 in size and shape to facilitate those uses normally allowed in con-
7 junction with such zoning.

8 2. The property affected by the proposed change of zone is
9 properly related to streets and highways to adequately serve the type
10 of traffic generated by such uses that may be permitted therein.

11 3. The proposed change of zone will have no adverse effect
12 or only limited adverse effect on any property or the permitted uses
13 thereof within the affected area.

14 4. That the proposed change of zone is in keeping with
15 land uses and improvements, trends in land development, density of
16 land development, and prospective needs for development in the
17 affected area.

18 5. That the proposed change of zone is in keeping with any
19 land use plans duly adopted and does, in effect, represent the highest,
20 best and most appropriate use of the land affected.

21 NOW, THEREFORE, IT IS HEREBY ORDERED that the application
22 of Rose Hantzmon for a change in zone from RA (Residential Agricul-
23 ture) to RD 8,000 (Residential Single Family) on real property
24 described in Exhibit A, attached hereto and by reference incorporated
25 herein, is hereby granted.

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DONE AND DATED THIS _____ day of July, 1977.

Lloyd Gift
Lloyd Gift
Chairman

Nell Kuonen
Nell Kuonen
Commissioner

Raymond Thorne
Raymond Thorne
Commissioner

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

By *Mark Boivin*

Beginning at a point which lies N. 1° 14' W. a distance of 680.3 feet and S. 89° 26' W. a distance of 430 feet from the iron pine which marks the section corner common to Sections 2, 3, 10, and 11, T39S R9E.W.M. and run thence: Continuation S. 89° 26' W a distance of 200 feet to an iron pin ; thence N. 1° 14' W. a distance of 144.1 feet to an iron pin; thence N. 89° 24' E. a distance of 200 feet to an iron pin; thence S. 1° 14' E. a distance of 144.2 feet, more or less to the point of beginning, said tract containing 0.66 acres, more or less in the S½S½N½SE½SE½ of Section 3, T39S R9E.W.M. "Subject to an easement for ditches and/or pipe lines to convey water for irrigation and domestic use for the benefit of adjoining property owners across the North and East sides of said lot, Klamath County, Oregon.

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Klamath County - Planning Department

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COURTHOUSE — 503-882-2501, Ext. 285 — KLAMATH FALLS, OREGON 97601

IN THE MATTER OF
MAILING NOTICES FOR
Rose Hantzman

AFFIDAVIT OF MAILING

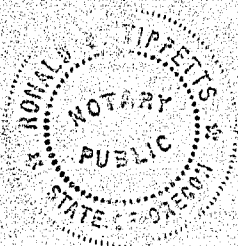
STATE OF OREGON
County of Klamath

I, Isabel Rodriguez being first duly sworn, depose
and say that I am an employee of the Klamath County Planning
Department, and that on the 26th of July, I did deposit in
the U.S. postal system 4 copies of said MAILING NOTICE,
a copy of same being attached hereto, in a sealed envelope addressed
to those individuals on the mailing list attached hereto.

Isabel Rodriguez

SUBSCRIBED and sworn to before me this 26th day of

July 19 77.



Ronald B. Tippetts
NOTARY PUBLIC FOR OREGON

My commission expires

6-8-81

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

13427

MAILING NOTICES

Rose Hantzman
3949 Mack Avenue
Klamath Falls, OR 97601

Assesser's Office
Courthouse Annex
Klamath Falls, OR 97601

Commissioner's Office
Courthouse Annex
Klamath Falls, OR 97601

Clerk's Office
Courthouse
Klamath Falls, OR 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

led for record ~~EXHIBIT~~

is 27 day of July A. D. 19 77 at 2:35 o'clock P. M.

tuly recorded in Vol. M 77, of Deeds on Page 13421

No Dee

W. D. MILNE, County Cl.
By *Pat McCullough*