

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 In and For the County of Klamath, State of Oregon

3
4 IN THE MATTER OF APPLICATION)
5 FOR ZONE CHANGE 77-14)
6 Harrison Lindsey)

O R D E R

7 THIS MATTER having come on for hearing upon the application
8 of Harrison Lindsey for a change in zone from RA (Residential
9 Agriculture) to RD 10,000 (Residential Single Family). A public
10 hearing having been heard by the Klamath County Planning Commission
11 on July 26, 1977, where from the testimony, reports and information
12 produced at the hearing by the applicant, members of the Klamath
13 County Planning Department Staff and other persons in attendance,
14 the Planning Commission recommended approval of the application.
15 Following action by the Planning Commission, a public hearing before
16 the Board of County Commissioners was regularly held September 6,
17 1977, where from the testimony it appeared that the record below
18 was accurate and complete and it appearing from testimony, reports
19 and information produced at the hearing below that the application
20 for a change on certain real property described as being 28,980
21 square feet in size and generally located on the west side of Ivory
22 Street approximately 214 feet south of Frieda Street, approximately
23 210 feet east of Hope Street, and approximately 683 feet north of
24 Shasta Way and more particularly described in Exhibit A, attached
25 hereto and by reference made a part hereof, should be granted.

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

1 FINDINGS OF FACT:

2 1. On July 26, 1977, before the Planning Commission,
3 Planning Department Staff testimony showed that the subject property
4 consisted of lots 44 and 45 of Lewis Tracts, generally located on
5 west side of Ivory Street 683 feet north of the intersection of
6 Shasta Way and Ivory Street.

7 2. Testimony from the Planning Department stated that
8 the Comprehensive Land Use Plan map designates the subject property
9 as Urban Density and, therefore, requires no change.

10 3. The Planning Department Staff and the applicant
11 testified that two dwellings are currently existing, one upon each
12 lot, and therefore, no additional traffic would be generated.

13 4. The Planning Department Staff testified that the
14 accesses to the lots are currently existing and access is to Ivory
15 Street which is a County paved road that is adequate for the quantity
16 and kind of traffic that would be generated by the proposed use.

17 5. Testimony from Andy Silani, Realtor, indicated to
18 the Planning Commission that there is a need in the area for single
19 family residences, such as would be created by this zone change.

20 6. The Planning Department Staff testified to the fact
21 that the zoning in the area is predominately RD 10,000 and that the
22 size and shape of the lots (69' x 210') would be the same as the
23 lots surrounding the subject property, therefore, there would be
24 little or no adverse affect on surrounding property.

25 7. The Planning Commission received testimony that this
26 zone change would be a minimal change because there would be no
27 change in the use of the land as the intended use is for residential
28 purposes.

1 CONCLUSIONS OF LAW:

2 1. The property affected by the change of zone is
3 adequate in size and shape to facilitate those uses normally
4 allowed in conjunction with such zoning.

5 2. The property by the proposed change is properly
6 related to streets and highways to adequately serve the type of
7 traffic generated by such uses that may be permitted therein.

8 3. The proposed change of zone will have no adverse
9 effect on any property or the permitted uses thereof within the
10 affected area.

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

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

18 NOW, THEREFORE, IT IS HEREBY ORDERED that the application
19 of Harrison Lindsey for a change of zone from RA (Residential
20 Agriculture) to RD 10,000 (Residential Single Family) on real
21 property described in Exhibit A, attached hereto and by reference
22 incorporated herein, is hereby granted.

23 DONE AND DATED THIS 30 day of September, 1977.

24
25 *Lloyd Gift*
26 Lloyd Gift
27 Chairman
28

18821

Nell Kuonen
Nell Kuonen
Commissioner

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

By: *Harry J. Boivin*