

BEFORE THE BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION)
FOR ZONE CHANGE 77-4)
By William E. Neff)

O R D E R

THIS MATTER having come on for hearing upon the application of William E. Neff for a change in zone from RA (Residential Agriculture) to RD 10,000 (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 August 30, 1977, where from the testimony it appeared that the record below was accurate and complete and it appeared from testimony, reports and information produced at the hearing below that the application for a change on certain real property described as being 11,550 square feet in size and generally located west of Homedale Road, approximately 277 feet north of Shasta Way and approximately 308 feet east of Kane Street 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.

1 FINDINGS OF FACT

2 1. On June 28, 1977, before the Planning Commission, Planning
3 Department staff testimony indicated that the proposed site was
4 generally located on the west side of Homedale Road, approximately
5 277 feet north of Shasta Way and approximately 308 feet east of
6 Kane Street.

7 2. Planning Department Staff testimony indicated that the CLUP
8 map designates the property as Urban Density and therefore, requires
9 no change.

10 3. The Planning Department Staff pointed out that access would
11 be off Homedale Road which is a County paved road and could carry
12 the quantity and kind of traffic generated by the proposed use.

13 4. Testimony by the applicant before the Planning Commission
14 indicated that there were no other building sites available for sale
15 in the area, the site is not productive and would be best used as a
16 building site, and the proposed change would create an additional
17 building site.

18 5. Testimony by the Planning Department Staff showed the
19 presence of other RD 8,000 zones in the area and that the primary
20 use of the land in the area is Residential.

21 6. Planning Department Staff testimony showed that the 105'x
22 110' parcel is adequate in size and shape for the proposed use.

23 7. The Planning Commission heard testimony that indicated this
24 zone change would have no adverse affect on surrounding property
25 because it is zoned for residential purposes, other large lots in
26 the area have been divided into smaller lots, and this appears to
27 be the trend in the area.

28

1 CONCLUSIONS OF LAW

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

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

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

11 4. That the proposed change of zone is in keeping with land uses
12 and improvements, trends in land development, density of land develop-
13 ment in the affected area.

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

17 NOW, THEREFORE, IT IS ORDERED that the application of William
18 E. Neff for a change of zone from RA (Residential Agriculture) to
19 RD 8,000 (Residential Single Family) on real property described in
20 Exhibit A, attached hereto and by reference incorporated herein, is
21 hereby granted.

22 DONE AND DATED THIS 30th day of September, 1977.

23 *Lloyd Gift*

24 Lloyd Gift
25 Chairman

26 *Nell Kuonen*

27 Nell Kuonen
28 Commissioner

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

9 By Larry J. Boivin

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EXHIBIT "A"
WILLIAM A. NEFF
ZC 77-4

A parcel of land approximately 11,550 square feet in size generally located west of Homedale Road, approximately 277 feet north of Shasta Way and approximately 308 feet east of Kane Street and more particularly described as a Portion of Lot 63 Fair Acres No. 1, T38S, R9E.W.M., Sec. 35, Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 4th day of October A.D., 19 77 at 9:25 o'clock A M., and duly recorded in Vol. N77 of Deeds on Page 18834.

FEE no fee

WM. D. MILNE, County Clerk

By Bernice J. Letcher Deputy