

BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

IN THE MATTER FOR)
CHANGE OF ZONE NO.)
77-21, BY: VERNON)
HADDELAND)

O R D E R

THIS MATTER having come on for hearing upon the application of Vernon Haddeland for a change of zone No. 77-21, from RA (Residential-Agriculture) to RD 10,000 (Single Family Residential). A public hearing having been heard by the Klamath County Planning Commission on September 27, 1977, wherefrom the testimony, reports and information produced at the hearing by the Applicant, members of the Planning Department Staff and other persons in attendance. The Planning Commission recommended approval to the Board of County Commissioners. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on January 16, 1978, wherefrom the testimony, it appeared that the record below was accurate and complete and it appears from the testimony, reports and information produced at the hearing below that the application for a change of zone for certain real property described as Tax Lot 2400, located 122 feet west of the southwest corner of Laverne Avenue and Bisbee Street and more particularly being located in the NW 1/4 SW 1/4 of Section 10, Township 39S, Range 9E.W.M., Klamath County, Oregon should be granted.

The Board of County Commissioners makes the following

78 MAY 30 PM 2 29

1 Findings of Fact and Conclusions of Law as required by
2 Ordinance No. 17, the Klamath County Zoning Ordinance.

3 Findings of Fact:

4 1. On September 27, 1977, before the Planning Commission,
5 the Planning Department Staff pointed out, that the site for
6 proposed zone change from RA (Residential-Agriculture) to RD
7 10,000 (Single Family Residential) was rectangular in shape
8 and approximately 23,580 square feet in size and therefore
9 could meet the property development standards of the RD 10,000
10 (Single Family Residential) zone.

11 2. Testimony from the Applicant on September 27, 1977,
12 indicated that Tax Lot 2400, when split, each lot would be
13 approximately 11,790 square feet and therefore meet width and
14 depth dimensions of the RD 10,000 (Single Family Residential)
15 zone.

16 3. Testimony on September 27, 1977, before the
17 Planning Commission, it was determined that there were several
18 other lots in the immediate area which are zoned RD 10,000
19 (Single Family Residential) and also RD 8,000 (Single Family
20 Residential). This was pointed out from Klamath County Exhibit
21 "D", the Zoning map, which was made part of the record.

22 4. Testimony indicated that dwellings, which is a
23 principle use in the RD 10,000 (Single Family Residential)
24 zone, could be located on lots and meet all setbacks as indicated
25 on the Applicant's Plot Plan and marked Applicant's Exhibit
26 No. 1

27 5. Testimony indicated access would be off of Laverne
28 Avenue, which is a paved road and could accommodate the type of

1 traffic that would be generated by the proposed change of zone.

2 6. Testimony indicated that this particular zone
3 change would not be an adverse effect on abutting properties as
4 there are other RD zones in the area, which appears to be the
5 trend in the immediate area.

6 7. Testimony from the Applicant pertaining to need
7 on this particular zone change indicated to the Planning
8 Commission that the Applicant had received several calls about
9 lots in the RD 10,000 (Single Family Residential) zone size.

10 8. Goal No. 1 of L.C.D.C. pertains to this Zone Change
11 in that people were notified of this zone change and had the
12 opportunity to testify at the Planning Commission hearing.

13 9. Goal 10 of L.C.D.C. pertains to this Zone Change
14 in that the Applicant would be providing a housing need for
15 citizens in the urban area.

16 10. Goal 14 of L.C.D.C. pertains to this Zone Change
17 in that the location of such change of the property appears
18 to be within any Urban Growth Boundaries.

19 Conclusions of Law:

20 1. The property affected by the proposed change of
21 zone is adequate in size and shape to facilitate those uses
22 normally allowed in conjunction with such zoning.

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

27 3. The proposed change of zone will have no adverse
28 effect or only limited adverse effect on any property or the

1 permitted uses thereof within the affected area.

2 4. That the proposed change of zone is in keeping with
3 any land use plans duly adopted and does, in effect, represent
4 the highest, best and most appropriate use of the land affected.

5 5. That the proposed change of zone is in keeping with
6 land uses and improvements, trends in land development, density
7 of land development, and prospective needs for development in
8 the affected area.

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the
10 application of Vernon Haddeland for a change of zone from
11 RA (Residential-Agriculture) to RD 10,000 (Single Family
12 Residential) on real property described as Tax Lot 2400 and
13 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 39S, Range
14 9E.W.M., Klamath County, Oregon, is hereby granted.

15 DONE AND DATED THIS 30TH day of MAY, 1978.

17
18 *Nell Kuonen*
19 Nell Kuonen
Chairman

20
21 *Floyd Wynne*
22 Floyd Wynne
Commissioner

23 *Lloyd Giff*
24 Lloyd Giff
25 Commissioner

26 *Commissioners Journal*

27 APPROVED AS TO FORM:
Boivin, Boivin and Aspell

28 By: *Bradley Aspell*
County Legal Counsel

ORDER NO. 7-21
STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 30th day of
May A.D., 19 78 at 2:29 o'clock P M., and duly recorded in Vol. 478
of Deeds on Page 11365.

FEE None

WM. D. MILNE, County Clerk

By: *Bernard H. Aspell* Deputy