

1 BOARD OF COUNTY COMMISSIONERS

2 Klamath Falls, Oregon

3
4 IN THE MATTER FOR CHANGE)
5 OF ZONE NO. 77-13, BY)
6 DAVID W. SEUTTER)

O R D E R

7 THIS MATTER having come on for hearing upon the
8 application of David W. Seutter No. 77-13, for a change from
9 RD 10,000 (Single Family Residential) to RD 1,500 (Residential
10 Multiple Family). A public hearing having been heard by the
11 Klamath County Planning Commission on August 9, 1977, where-
12 from testimony, reports and information produced at the hearing
13 by the applicant, members of the Planning Department Staff
14 and other persons in attendance, the Planning Commission re-
15 commended approval to the Board of County Commissioners.
16 Following action by the Planning Commission, a public hearing
17 before the Board of County Commissioners was regularly held
18 on September 26, 1977, wherefrom the testimony, it appeared
19 that the record below was accurate and complete and it appears
20 from the testimony, reports and information produced at the
21 hearing below that the application for a change of zone for
22 certain real property described as Lots 14 and 15 of Grace
23 Park should be granted.

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

26 Findings of Fact:

27 1. On August 9, 1977, before the Planning Commission,
28

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1 it was pointed out on Klamath County Exhibit "C", an
2 Assessors map, that the site for the change of zone from
3 RD 10,000 (Single Family Residential) to RD 1,500 (Residential
4 Multiple Family) was located on the south side of Marius Dr.
5 and approximately 100 feet east of Madison and approximately
6 120 feet north of Onyx Street.

7
8 2. Before the Planning Commission on August 9, 1977,
9 that the proposed two lots for change of zone was approximately
10 27,964 square feet in area and therefore was large enough area
11 for twelve (12) multiple family dwellings in the RD 1,500 zone.

12 3. Applicant testified that his access would be
13 off Marius Drive and that Marius Drive was a County gravelled
14 road and could carry the quantity of traffic that would be
15 generated by the proposed change of zone from RD 10,000 (Single
16 Family Residential) to RD 1,500 (Residential Multiple Family).

17 4. On August 9, 1977, before the Planning Commission,
18 it was pointed out that other multiple zones in the area were
19 that of RD 3,000 (Residential Multiple Family) to the north
20 across Marius Drive and RD 3,000 (Residential Multiple Family)
21 and RD 1,500 (Residential Multiple Family) to the east of the
22 proposed site.

23 5. The applicant testified that this proposed change
24 of zone would have only a limited adverse effect on the abut-
25 ting properties as multiple zones appeared to be the trend in
26 the area.

27 6. Testimony on need for this proposed change of zone
28 on August 9, 1977, came from the applicant per letters from
Klamath Housing Authority and from the Vernon Durant Real

1 Estate Agency.

2 7. Mr. Durant's letter, which was dated August 5,
3 1977, and read into the record, made reference to need twice.

4 A. A check had been made with other rental
5 offices and they stated that they had no
6 vacancies available.

7 B. Their own office had no vacancies and
8 that the Durant office takes approximately
9 five (5) to eight (8) rental calls a day,
10 with no available apartments for these
11 callers.

12 8. A plot plan, which was marked Applicant's Exhibit
13 No. 1, indicated that all development could meet all the
14 property development standards of the RD 1,500 (Residential
15 Multiple Family) zone, which is 25 feet from front lot line,
16 10 feet on the side yard and 20 feet on the rear lot line.

17 9. Goal No. 1 of LCDC does pertain to this change
18 of zone in that the applicant had written testimony from
19 citizens and other agencies indicating a need for this change
20 of zone.

21 10. Goal 9 of LCDC also pertains to this change
22 of zone from RD 10,000 (Single Family Residential) to RD 1,500
23 (Residential Multiple Family) in that this allows the economy
24 of the county to be improved by involving building and
25 development to take place.

26 11. Goal 10 of LCDC also pertains to this change of
27 zone in that it allows for a housing need that is not readily
28 available as of now.

1 12. Goal 14 of LCDC also pertains to this change
2 of zone, in that the location of property appears to be within
3 any urban growth boundaries.

4 Conclusions of Law:

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

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

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

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

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

23 NOW, THEREFORE, IT IS HEREBY ORDERED that the
24 application of David W. Seutter for a change of zone from
25 RD 10,000 (Single Family Residential) to RD 1,500 (Residential
26 Multiple Family) on real property described as being lots
27 14 and 15 of Grace Park, located in township 39S, Range 9E.W.M.,
28 Section 12 and generally located on the south side of Marius,

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1 approximately 100 feet east of Madison Street, approximately
2 120 feet north of Onyx and approximately 116 feet west of the
3 intersection of Marius Drive and Onyx Ave. is hereby granted.

4 DONE AND DATED THIS 30TH day of MAY,
5 1978.

6
7 N. H. Kuonen
8 N. H. Kuonen
9 Chairman

10 Elroy L. Wynne
11 Elroy L. Wynne
12 Commissioner

13 David Gift
14 David Gift
15 Commissioner

16 APPROVED AS TO FORM:
17 Boivin, Boivin and Aspell

18 By: Boivin and Aspell

19
20 STATE OF OREGON; COUNTY OF KLAMATH; ss.

21 filed for record at request of Klamath County

22 the 30th day of May, A. D. 1978 at 2:39 o'clock P.M., on

23 duly recorded in Vol. M78 at Deeds on Page 11388

24 Wm D. MILNE, County Clerk

Bernard J. Lelich

25 Commissioner's Journal

No. 11392