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BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

IN THE MATTER FOR CHANGE)
OF ZONE NO. 77-24, BY:)
WALTON H. SPILLAR)

O R D E R

THIS MATTER having come on for hearing upon the application of Walton H. Spillar for a change of zone No. 77-24, for a change from RA (Residential-Agriculture) to RD 500 (Residential Multiple) zone and a public hearing having been set for September 13, 1977 before the Planning Commission, wherefrom the testimony of the Comprehensive Land Use Plan, the Planning Commission recommended denial to the Klamath County Board of Commissioners, and therefore the Planning Commission did not hear the zone change application. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on October 10, 1977, and then on November 23, 1977, for new testimony, wherefrom the testimony, reports and information produced at the hearing of October 10, 1977, it appeared that the record below was not accurate and complete and that the testimony from the November 23, 1977 was complete and accurate and that the application for a zone change on certain real property described as Lots 14 and 17 of Kielsmeier Acre Tracts, approximately 2.2 acres in size and located in Township 39S, Range 9E.W.M., Section 2, Klamath County, Oregon, shall be granted.

Findings of Fact:

1. Testimony before the Board of County Commissioners

1 indicated that the proposed site was approximately 2.2 acres
2 in size and therefore the proposed change to Multiple Family
3 Residential could be utilized on the subject lots.

4 2. Testimony indicated that access for multiple uses,
5 would be onto Kane Street which is a paved county road and and
6 that Kane Street could accomodate the type of traffic that would
7 be generated by proposed use.

8 3. Testimony from the Applicant indicated that Kane
9 Street, being a county road butts the proposed site to the West
10 and South Sixth Street was approximately 470 feet North of the
11 proposed site and therefore indicating site does relate to
12 streets and highways.

13 4. Testimony indicated that the change of zone would
14 have only a limited adverse effect on abutting properties in
15 that, there were other multiple user to the northeast of site.

16 5. Testimony indicated that the trends in the area
17 were apparently towards multiple uses, especially Luthern
18 Square and now this proposed site.

19 6. Testimony from the Applicant and a letter from
20 Klamath Housing Authority in which the Applicant produced,
21 indicated there was a need for this type of zone change. The
22 letter was marked Applicant's Exhibit No. 1 and was made part of
23 the record.

24 7. Testimony indicated that this proposed change of
25 zone is in keeping with land use improvements and is in keeping
26 with land use plans and that this change of zone represents
27 the best and most appropriate use of the land.

28 8. Goal No. 1 of L.C.D.C. which pertain to citizen

1 Involvement, pertains to this zone change in that citizens did
2 indeed testify in favor of this change as well as for dis-
3 approval on November 23, 1977.

4 9. Goal 10 of L.C.D.C. pertains to this zone change
5 in that the Applicant is providing a housing need for citizens
6 in an urban area which is close to facilities, such as restau-
7 rants, gas stations, grocery stores and the like.

8 10. Goal 14 of L.C.D.C. pertains to this zone change
9 in that the location of this proposed change from Urban Density
10 to Multiple Density appears to be within the Urban Growth
11 Boundaries.

12 Conclusions of Law:

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

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

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

23 4. That the proposed change of zone is in keeping with
24 land uses and improvements, trends in land development, density
25 of land development, and prospective needs for development in
26 the affected area.

27 5. That the proposed change of zone is in keeping with
28 any land use plans duly adopted and does, in effect, represent

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1 the highest, best and most appropriate use of the land affected.

2 NOW, THEREFORE, IT IS HEREBY ORDERED that the
3 application for zone change for Walton H. Spillar from RA
4 (Residential-Agriculture) to RD 500 (Residential Multiple
5 Family) on certain real property described as being Lots 14
6 and 17 of Kielsmeier Acre Tracts, located in Township 39S,
7 Range 9E.W.M., Section 2, Klamath County, Oregon is hereby
8 granted.

9 DONE AND DATED THIS 30th day of May
10 1978.

11
12
13 Nell Kuonen
14 Nell Kuonen
Chairman

15
16 Floyd Wynne
17 Floyd Wynne
Commissioner

18
19 Lloyd Gift
20 Lloyd Gift
Commissioner

21 Commissioner Jund

22 STATE OF OREGON,)
23 County of Klamath)
24 Filed for record at request of

25 Klamath County
26 on the 31st day of May A.D. 19 78
27 at 8159 o'clock A M, and duly
28 recorded in Vol. M78 of Deeds
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25 APPROVED AS TO FORM:
26 Boivin, Boivin and Aspell
27 By: Boivin, Boivin and Aspell
28 County Legal Counsel

Wm D. MILNE, County Clerk
By: Beauchamp Deputy
Fee None