

BEFORE THE BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER FOR CHANGE)
OF ZONE NO. 77-8, FOR)
HAMILTON L. LUCAS)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Hamilton L. Lucas for a change of zone No. 77-8, for a
change from RD 10,000 (Single Family Residential) to RD 8,000
(Single Family Residential). A public hearing, having been
heard by the Klamath County Planning Commission on July 19, 1977,
wherefrom the testimony, reports and information produced at
the hearing by the applicant, members of the Planning Depart-
ment Staff and other persons in attendance. The Planning Commis-
sion 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 October 3, 1977, 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 Lot 11 of Empire Tract
which is located in Section 35, Township 38S, Range 9E.W.M.,
Klamath County, Oregon, should be granted.

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

1 Findings of Fact:

2 1. On July 19, 1977, before the Planning Commission,
3 the Planning Department Staff pointed out the the Planning Commis-
4 sion, from Klamath County Exhibit "C", being Assessor Map, the
5 proposed site was Lot 11 and Tax Lot 7500 of Empire Tracts.

6 2. The Planning Department Staff also pointed out
7 that the subject parcel was located east of Etna Street and
8 South of Frieda Street and approximately 19,241 square feet
9 in size.

10 3. On July 19, 1977, before the Planning Commission,
11 applicant pointed out that the proposed lot which was approx-
12 imately 19,241 square feet in size, was adequate to create
13 two (2) lots which would meet the property development stand-
14 ards of the RD 8,000 zone in area.

15 4. On July 19, 1977, before the Planning Commission,
16 applicant and Planning Department Staff indicated the proposed
17 site was relatively flat and that on the lot was an existing
18 house plus two (2) sheds.

19 5. Applicant testified before the Planning Commission
20 on July 19, 1977, that the existing house was to be torn down
21 and replaced by a mobile home as drafted out on Klamath County
22 Exhibit "E", which was a plot plan.

23 6. Planning Department Staff pointed out to Planning
24 Commission that the site for the proposed zone change was
25 rectangular in shape and that the one lot, once it became two
26 (2) lots, the shape of the two (2) lots would be rectangular
27 in shape, with the lot abutting Frieda Street would be 9,585
28 square feet in area.

1 7. It was pointed out to the Planning Commission by
2 the applicant that the adjacent lots had older conventional
3 houses, and also an intermixing of mobile homes in the sur-
4 rounding area, and that this appeared to be the trend in the
5 area.

6 8. On July 19, 1977, it was pointed out to the
7 Planning Commission that access would be off of Etna which
8 is a county paved road and could carry the kind of traffic
9 that this proposed zone change would create.

10 9. Applicant testified to the Planning Commission,
11 that the reason for access being off of Etna Street, is that
12 Frieda Street has such a drop-off and therefore would be
13 inadequate for access.

14 10. It was pointed out to the Planning Commission,
15 by the staff that there was RD 5,000 (Single Family Residen-
16 tial), Klamath County Exhibit "D", the zoning map, zoning to
17 the East a half block away and to the west a half block away
18 was another area where there was RD 5,000 (Single Family
19 Residential) zoning, which is a higher density type zone.

20 11. It was pointed out by the Planning Department
21 staff to the Planning Commission on July 19, 1977, that this
22 proposed zone change was a zone change only and that the change
23 of zone for the site was in conformance with the C.L.U.P. map.

24 12. Before the Planning Commission, Hank Holman a
25 Realtor, testified that there was a demand for RD 8,000 (Single
26 Family Residential) lots and that there is a need for this
27 change of zone, in that, his office has been contacted about
28 smaller lots of this size.

1 13. Goal No. 1 of LCDC pertains to citizen involve-
2 ment, as citizens did testify in favor of this zone change,
3 particularly in the area of need.

4 14. Goal No. 10 of LCDC pertains to this particular
5 zone change in that this change of zone allows for a housing
6 need that would benefit the applicant as well as improve the
7 area.

8 15. Goal No. 14 of LCDC pertains to this change of
9 zone in that the location of this proposed site appears to be
10 within the urban growth boundaries.

11 Conclusions of Law:

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

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

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

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

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

1 land affected.

2 NOW, THEREFORE, IT IS HEREBY ORDERED that the
3 application of Hamilton L. Lucas for a change of zone from
4 RD 10,000 (Single Family Residential) to RD 8,000 (Single
5 Family Residential) on real property described as being lot
6 11 of Empire Tracts, located in Section 35, Township 38S,
7 Range 9E.W.M., is hereby granted.

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

10 Nell Kuonen
11 Nell Kuonen
12 Chairman

13 Floyd Wynne
14 Floyd Wynne
15 Commissioner

16 Lloyd Gift
17 Lloyd Gift
18 Commissioner

19 Commissioners found

20
21 APPROVED AS TO FORM:
22 Boivin, Boivin and Aspell

23 By: Robert Boivin

24 STATE OF OREGON; COUNTY OF KLAMATH; ss.

25 filed for recprd at request of Klamath County

26 on 31st day of May A. D. 19 78 at 8:58 clock A.M., or
27 fully recorded in Vol. M78, of Dagda on Page 11499

28 Wm D. MILNE, County Clerk