

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPLICATION)
FOR CHANGE OF ZONE No. 77-31,)
KENNETH W. HAND)

O R D E R

THIS MATTER having come on for hearing upon the application of Kenneth W. Hand, said change being No. 77-31, for a change from AF (Agricultural-Forestry) to RA (Residential-Agricultural) Zone and a public hearing having been heard by the Klamath County Planning Commission on December 20, 1977, wherefrom the testimony, reports and information produced at the hearing by applicant, 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 30, 1978, wherefrom the testimony produced at the hearing below was accurate and complete and that the application for a change of zone for certain real property described as E½ S½ SE¼ NE¼, Section 12, Township 39S, Range 8 E.W.M., and generally located on the northeast corner of Balsam Drive and Orindale Road should be granted.

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

FINDINGS OF FACT:

1. On December 20, 1977, before the Planning Commission, the Planning Department staff pointed out to the Planning Commission that the proposed site was generally located on the north side and

1 is generally located on the northeast corner of Balsam Drive and
2 Orindale Road.

3 2. The Planning Department staff also pointed out that the
4 parcel was approximately 13 acres in size and therefore the
5 proposed parcel is adequate in size and shape to facilitate propos-
6 ed use.

7 3. On December 20, 1977, before the Planning Commission,
8 testimony from the Planning staff indicated that there was Resi-
9 dential-Agricultural Zoning to the east. This was pointed out on
10 Klamath County Exhibit D, being the Klamath County Zoning Map.

11 4. The Planning staff indicated to the Planning Commission
12 that the subject parcel for change of zone was indicated from the
13 Comprehensive Land Use Plan Map as Suburban Density and therefore
14 in conformance with such map.

15 5. The testimony that the Planning Commission received on
16 December 20, 1977, indicated that access would be off Balsam Drive,
17 which is a paved County Road.

18 6. Testimony indicated that Balsam Drive, being paved, was
19 adequate enough to carry the type of traffic that would be generat-
20 ed by proposed use.

21 7. Testimony indicated to the Planning Commission on December
22 20, 1977, that the change of zone will have no adverse effect on
23 abutting properties in that there are other RA (Residential-
24 Agricultural) Zones in the area.

25 8. Testimony indicated to the Planning Commission that this
26 type of change of zone is in keeping with the land use and trends
27 and density as it was pointed out there were smaller lots to the
28 east and north of Balsam Drive.

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9. Testimony from the applicant indicated he would build on one 10 acre parcel and keep a 23 acre parcel, indicated a need for a housing site.

10. Goal No. 9, of LCDC pertains to this change of zone in that the Stewart-Lennox Area Committee was notified and they recommended approval.

11. Goal No. 10, of LCDC also pertains to this proposed change of zone in that the applicant is providing a housing need in a suburban area, which is close to facilities for services, such as grocery stores, gas stations and the like.

CONCLUSIONS OF LAW:

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of

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1 Kenneth W. Hand for a change of zone from AP (Agricultural-Forestry)
2 to RA (Residential-Agricultural) Zone on real property described as
3 E $\frac{1}{4}$ S $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 39S, Range 8 E.W.M., and
4 generally located on the northeast corner of Balsam Drive and
5 Orindale Road is hereby granted.

6 DONE AND DATED THIS 31st day of August, 1978.

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10 Neil Kuonen
Neil Kuonen
Chairman

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12 Floyd L Wynne
Floyd Wynne
Commissioner

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15 Lloyd Gift
Lloyd Gift
Commissioner

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23 APPROVED AS TO FORM:
Boivin, Boivin & Aspell

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25 By: Robert L. Krum
County Legal Counsel

26
27
28 ORDER NO. 77-31

STATE OF OREGON; COUNTY OF Klamath; ss.

I hereby certify that the within instrument was received and filed for record on the 7th day of
September A.D., 1978 at 9:34 o'clock A M., and duly recorded in Vol H78
of Deeds on Page 19735.

FEE Name _____

WM. D. MILNE, County Clerk

By: Deborah A. Kell Deputy