

BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

1
2
3 IN THE MATTER OF THE APPLICATION)
4 FOR ZONE CHANGE 77-34 FOR)
5 JULIAN AGER FOR WAYNE MISCO)

O R D E R

6
7 THIS MATTER having come on for hearing upon the applica-
8 tion of Julian Ager for a zone change from RA (Residential Agri-
9 culture) to RD 7000 (Single Family Residence), by the Klamath
10 County Planning Commission, on real property described as Township
11 39, Range 9, North $\frac{1}{2}$ of Section 5. Public hearings having been
12 heard by the Klamath County Planning Commission on January 24,
13 1978 and July 25, 1978, wherefrom the testimony, reports and in-
14 formation produced at the hearings by the Applicant, members of
15 the Planning Department Staff and other persons in attendance, the
16 Planning Commission recommended denial to the Board of County
17 Commissioners. Following action by the Planning Commission, a
18 public hearing before the Board of County Commissioners was
19 regularly held on September 5, 1978, wherefrom the testimony at
20 said hearing it appeared that the record below was accurate and
21 complete and it appears from the testimony, reports and exhibits
22 introduced at the hearing before the Planning Commission that the
23 application for a zone change for the subject property should be
24 granted.

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

28 FINDINGS OF FACT:

1 1. The Board of County Commissioners found site for
2 change of zone to be adequate in size and shape in that site was
3 approximately 13 acres in size.

4 2. The Board of County Commissioners found proposed
5 use, that being residential, was in keeping with the zone request,
6 RD 7000 (Single Family Residence).

7 3. The Board of County Commissioners found Applicant
8 has adequate access which would be off of Riverside Drive, which
9 road is paved.

10 4. The Board of County Commissioners found site to have
11 no adverse effects on surrounding property.

12 5. The Board of County Commissioners found that those
13 within the speicfied area were notified by Planning Department,
14 thus addressing LCDC Goal No. 1, Citizen Involvement.

15 6. The Board of County Commissioners found that Com-
16 prehensive Land Use Plan was in conformance with Applicant's re-
17 quest.

18 7. The Board of County Commissioners found LCDC Goal
19 No. 3, Agriculture Lands, did not pertain.

20 8. The Board of County Commissioners found city water
21 was available to site and also found septic tanks would be
22 utilized until sewer arrives.

23 9. The Board of County Commissioners found that site
24 for change of zone would improve the economy of the area, thus
25 addressing LCDC Goal No. 9.

26 10. The Board of County Commissioners found that site
27 for change of zone would provide a need for housing, thus ad-
28 dressing LCDC Goal No. 10.

1 11. The Board of County Commissioners found site had
2 public facilities in the way of city water and eventually city
3 sewer due to the Stewart-Lennox line.

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 al-
7 lowed in conjunction with such zoning.

8 2. The property affected by the proposed change of zone
9 is properly related to streets and highways to adequately serve
10 the type of traffic generated by such uses that may be permitted
11 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 with
16 land uses and improvements, trends in land development, density
17 of land development and prospective needs for development in the
18 affected area.

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

22 NOW, THEREFORE, it is hereby ordered that the applica-
23 tion for zone change from RA (Residential Agriculture) to RD 7000
24 (Single Family Residential) for Julian Ager on the subject property
25 is hereby granted.

26 DONE AND DATED THIS 29 DAY OF December 19 78.

27 W. H. Kuersten Harold L. Hynne David J. H.
28 Chairman Member Member

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
By: W. H. Kuersten
ZC 77-34
Page 3

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3rd day of
January A.D., 1979 at 8:45 o'clock A.M., and duly recorded in Vol. 272
of DEEDS on Page 87.

FEE none

WM. D. MILLER, County Clerk
By Jaqueline J. Miller Deputy