

1 BOARD OF COUNTY COMMISSIONERS

2 KLAMATH COUNTY, OREGON

3 IN THE MATTER OF THE APPLICATION)
4 FOR COMPREHENSIVE LAND USE PLAN)
5 CHANGE AND ZONE CHANGE 78-2 BY)
6 C. W. DAVIS)

7 THIS MATTER having come on for hearing upon the appli-
8 cation of C. W. Davis for a Comprehensive Land Use Plan change
9 from Urban Density to Multiple Density and a Zone Change from
10 RA (Residential Agriculture) to RD 3000 (Multiple Density), by
11 the Klamath County Planning Commission, on real property described
12 as Township 38, Range 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Tax Lot 27-2, 27-3.
13 Public hearings having been heard by the Klamath County Planning
14 Commission on March 28, 1978, wherefrom the testimony, reports
15 and information produced at the hearing by the applicant, members
16 of the Planning Department Staff and other persons in attendance,
17 the Planning Commission recommended approval to the Board of
18 County Commissioners. Following action by the Planning Commission,
19 a public hearing before the Board of County Commissioners was
20 regularly held on May 1, 1978, wherefrom the testimony at said
21 hearing it appeared that the record below was accurate and com-
22 plete and it appears from the testimony, reports and exhibits
23 introduced at the hearing before the Planning Commission that
24 the application for a change of Comprehensive Land Use Plan and
25 Zone Change for the subject property should be granted.

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

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1 1. The Board of Commissioners found testimony from
2 Staff indicated that subject property, Tax Lots 27-3 and 27-2 of
3 Fair Acres was located west of Kane and north of Shasta Way.

4 2. The Board of Commissioners found testimony provided
5 by applicant showed that the size of property was rectangular in
6 shape and approximately one acre in size which met the Property
7 Development Standards of the Multiple Zone as well as for the
8 land use.

9 3. The Board of Commissioners found testimony indicated
10 that access would be off of Kane Street and that Kane Street is a
11 paved street that can carry the kind of traffic that would be
12 generated by proposed use, that being three four-plexes and one
13 duplex.

14 4. The Board of Commissioners found testimony indicated
15 that with other multiple uses in the area, plus single family
16 dwellings and a scattering of mobile homes, that there would be no
17 adverse effects on abutting properties with this type of change.

18 5. The Board of Commissioners found from testimony that
19 there were other multiple uses in the area which indicated that
20 there was a trend towards multiple uses.

21 6. The Board of Commissioners found LCDC Goal No. 1,
22 Citizen Involvement, was addressed in that the Area Committee was
23 notified and that the Planning Department notified property owners
24 within a 500 feet radius in order to give them the opportunity to
25 testify.

26 7. The Board of Commissioners found testimony from
27 applicant indicated that there were very few apartments in the
28 area, especially apartments that were priced in the medium range

1 and that the proposed apartments were close to a shopping area.

2 8. The Board of Commissioners found, per record, that
3 the applicant indicated need in that other multiple units in the
4 area were west toward Shasta Way and that these units were filled
5 most of the time.

6 9. The Board of Commissioners found that LCDC Goal No.
7 10, Housing, was addressed in that the proposed Comprehensive Land
8 Use Plan provided a housing need to renters that would be in a
9 medium price range which would allow and encourage people to rent.

10 10. The Board of Commissioners found that LCDC Goal No.
11 11, Public Facilities, was addressed in that public facilities are
12 available, such as electricity, paved roads, sewer systems, which
13 are necessary for the development of applicant's proposed use,
14 that being multiple housing.

15 11. The Board of Commissioners found that LCDC Goal
16 No. 14, Urbanization, was addressed in that the proposed Compre-
17 hensive Land Use Plan change appears to be within any proposed
18 urban growth boundary lines that would be established in conjunc-
19 tion with any future master plans for the county.

20 12. The Board of Commissioners found there was no
21 testimony in opposition of proposed Comprehensive Land Use Plan
22 change from Urban Density to Multiple Density as proposed by
23 applicant.

24 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
25 CHANGE:

26 1. The property affected by the change of Comprehensive
27 Land Use Plan is adequate in size and shape to facilitate those
28 uses normally allowed in conjunction with such zoning.

1 2. The property affected by the proposed change of
2 Comprehensive Land Use Plan is properly related to streets and
3 highways to adequately serve the type of traffic generated by
4 such uses that may be permitted therein;

5 3. The proposed change of Comprehensive Land Use Plan
6 will have no adverse effect or only limited adverse effect on any
7 property or the permitted uses thereof within the affected area.

8 4. That the proposed change of Comprehensive Land Use
9 Plan is in keeping with land uses and improvements, trends in land
10 development, density of land development and prospective needs for
11 development in the affected area.

12 5. That the proposed change of Comprehensive Land Use
13 Plan is in keeping with any land use plans duly adopted and does,
14 in effect, represent the highest, best and most appropriate use
15 of the land affected.

16 FINDINGS OF FACT FOR ZONE CHANGE:

17 1. The Board of Commissioners found testimony from
18 Staff indicated that subject property, Tax Lots 27-3 and 27-2 of
19 Fair Acres was located west of Kane and north of Shasta Way.

20 2. The Board of Commissioners found testimony provided
21 by applicant showed that the size of property was rectangular in
22 shape and approximately one acre in size which met the Property
23 Development Standards of the Multiple Zone as well as for the
24 land use.

25 3. The Board of Commissioners found testimony indicated
26 the access would be off of Kane Street and that Kane Street is a
27 paved street that can carry the kind of traffic that would be
28 generated by proposed use, that being three four-plexes and

1 one duplex.

2
3 4. The Board of Commissioners found testimony indicated
4 that with other multiple uses in the area, plus single family
5 dwellings and a scattering of mobile homes, that there would be
6 no adverse effects on abutting properties with this type of change.

7 5. The Board of Commissioners found from testimony that
8 there were other multiple uses in the area which indicated that
9 there was a trend towards multiple uses.

10 6. The Board of Commissioners found LCDC Goal No. 1,
11 Citizen Involvement, was address in that the Area Committee was
12 notified and that the Planning Department notified property
13 owners within a 500 feet radius in order to give them the oppor-
14 tunity to testify.

15 7. The Board of Commissioners found testimony from
16 applicant indicated that there were very few apartments in the
17 area, especially apartments that were priced in the medium range
18 and that the proposed apartments were close to a shopping area.

19 8. The Board of Commissioners found, per record, that
20 the applicant indicated need in that other multiple units in the
21 area were west toward Shasta Way and that these units were filled
22 most of the time.

23 9. The Board of Commissioners found that LCDC Goal No.
24 10, Housing, was addressed in that the proposed change of zone
25 provided a housing need to renters that would be in a medium
26 price range which would allow and encourage people to rent.

27 10. The Board of Commissioners found that LCDC Goal
28 No. 11, Public Facilities, was addressed in that public facilities
are available, such as electricity, paved roads, sewer systems.

1 which are necessary for the development of applicant's proposed
2 use, that being multiple housing.

3 11. The Board of Commissioners found that LCDC Goal
4 No. 14, Urbanization, was addressed in that the proposed Compre-
5 hensive Land Use Plan change appears to be within any proposed
6 urban growth boundary lines that would be established in con-
7 junction with any future master plans for the county.

8 12. The Board of Commissioners found there was no
9 testimony in opposition of proposed change of zone from RA
10 (Residential Agriculture) to RD 3,000 (Multiple Density) as pro-
11 posed by applicant.

12 CONCLUSIONS OF LAW FOR ZONE CHANGE:

13 1. The property affected by the change of zone is
14 adequate in size and shape to facilitate those uses normally al-
15 lowed 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 per-
19 mitted 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 the
26 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

1 the highest, best and most appropriate use of the land affected.
2
3 NOW, THEREFORE, it is hereby ordered that the applica-
4 tion for the Comprehensive Land Use Plan change from Urban Density
5 to Multiple Density and Zone Change from RA (Residential Agri-
6 culture) to RD 3000 (Multiple Family Zone) for C. W. Davis on
7 the subject property is hereby granted.

8 DONE AND DATED THIS 29 DAY OF December, 1978

9
10 Russ F. Brown
11 Chairman

12 Lloyd L. Nye
13 Member

14
15 Member
16 Lloyd Giff
17 Member

18 APPROVED AS TO FORM:
19 Boivin, Boivin & Aspell

20 By: Robert Brown

21 STATE OF OREGON; COUNTY OF KLAMATH;
22 filed for record at RECORDS
23 this 3rd day of JANUARY A. D. 1972 at 3:45 o'clock A. M., and
24 duly recorded in Vol. M79 of DEEDS on Page 26
25 no fee

26 Wm D. MILNE, County Clerk
27 Maureen Milne
28