

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE FOR ZONE CHANGE No. 77-1,)
FOR FENNER-SANGENE)

O R D E R

THIS MATTER having come on for hearing upon the application of Fenner-Sangene for a Comprehensive Land Use Plan Change from Agriculture to Multiple Density and a Zone Change from AF (Agricultural-Forestry) to RD 1500 (Multiple Family), by the Klamath County Planning Commission, on real property described as Township 41S, Range 10 EWM, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Tax Lot 12. Public hearings having been heard by the Klamath County Planning Commission on March 29, 1977, June 13, 1978, September 26, 1978 and October 24, 1978, wherefrom the testimony, reports, and information produced at the hearing by the applicant, members of the Planning Department Staff and other persons in attendance, 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 July 19, 1978 and December 7, 1978, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears from the testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and Zone Change for the subject property, should be granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

3 1. The Board of County Commissioners found that site
4 for Comprehensive Land Use Plan and Zone Change was land that
5 was adjacent to the City Limits of Merrill, Oregon.

6 2. The Board of County Commissioners found that location
7 of site was located on the north side of 3rd Street of Merrill,
8 Oregon and approximately 240 feet west of Grant Street and the
9 Merrill City Limits being the east boundary.

10 3. The Board of County Commissioners found site for
11 Comprehensive Land Use Plan and Zone Change was approximately
12 9,758 square feet in size and rectangular in shape.

13 4. The Board of County Commissioners found applicant
14 had appropriated the correct application for building and connect-
15 ing sewer and water, which were issued by the City of Merrill,
16 Oregon.

17 5. The Board of County Commissioners found that, with
18 the appropriate permits, the multiple units had been built and
19 were in existence at time of Comprehensive Land Use Plan change
20 and Zone Change.

21 6. The Board of County Commissioners found that streets
22 such as 3rd Street, provided access to site.

23 7. The Board of County Commissioners found after review-
24 ing the record, found that there were other multiple units to the
25 east and therefore the proposed use, that being multiple, was
26 compatible with existing neighboring property.

27 8. The Board of County Commissioners found after many
28 hearings that the surrounding property owners had been notified

1 of hearings scheduled and given the opportunity to give testimony,
2 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

3 9. The Board of County Commissioners found site for
4 change of Comprehensive Land Use Plan and Zone Change was next
5 to the City Limits of Merrill and therefore is next to an urban-
6 ized area.

7 10. The Board of County Commissioners found after review-
8 ing the record that there was a definite need for such housing,
9 thus addressing L.C.D.C. Goal No. 10, Housing.

10 11. The Board of County Commissioners found that after
11 reviewing the record that site for change of Comprehensive Land
12 Use Plan and Zone Change had public facilities, such as water,
13 sewer, electricity, telephone service, thus addressing L.C.D.C.
14 Goal No. 11, Public Facilities and Services.

15 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
16 CHANGE:

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

20 2. The property affected by the proposed change of
21 comprehensive land use plan is properly related to streets and
22 highways to adequately serve the type of traffic generated by
23 such uses that may be permitted therein;

24 3. The proposed change of comprehensive land use plan
25 will have no adverse effect or only limited adverse effect on any
26 property or the permitted uses thereof within the affected area.

27 4. That the proposed change of comprehensive land use
28 plan is in keeping with land uses and improvements, trends in land

1 development, density of land development, and prospective needs
2 for development in the affected area.

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

7 FINDINGS OF FACT FOR ZONE CHANGE:

8 1. The Board of County Commissioners found that site
9 for Comprehensive Land Use Plan and Zone Change was land that was
10 adjacent to the City Limits of Merrill, Oregon.

11 2. The Board of County Commissioners found that location
12 of site was located on the north side of 3rd Street of Merrill,
13 Oregon and approximately 240 feet west of Grant Street and the
14 Merrill City Limits being the east boundary.

15 3. The Board of County Commissioners found site for
16 Comprehensive Land Use Plan and Zone Change was approximately
17 9,758 square feet in size and rectangular in shape.

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20 ing sewer and water, which were issued by the City of Merrill,
21 Oregon.

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23 the appropriate permits, the multiple units had been built and
24 were in existence at time of Comprehensive Land Use Plan change
25 and Zone Change.

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27 such as 3rd Street, provided access to site.

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1 ing the record, found that there were other multiple units to the
2 east and therefore the proposed use, that being multiple, was
3 compatible with existing neighboring property.

4 8. The Board of County Commissioners found after many
5 hearings that the surrounding property owners had been notified
6 of hearings scheduled and given the opportunity to give testimony,
7 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

8 9. The Board of County Commissioners found site for
9 change of Comprehensive Land Use Plan and Zone Change was next
10 to the City Limits of Merrill and therefore is next to an urban-
11 ized area.

12 10. The Board of County Commissioners found after review-
13 ing the record that there was a definite need for such housing,
14 thus addressing L.C.D.C. Goal No. 10, Housing.

15 11. The Board of County Commissioners found that after
16 reviewing the record that site for change of Comprehensive Land
17 Use Plan and Zone Change had public facilities, such as water,
18 sewer, electricity, telephone service, thus addressing L.C.D.C.
19 Goal No. 11, Public Facilities and Services.

20 CONCLUSIONS OF LAW FOR ZONE CHANGE:

21 1. The property affected by the change of zone is
22 adequate in size and shape to facilitate those uses normally allow-
23 ed in conjunction with such zoning;

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

28 3. The proposed change of zone will have no adverse

1 effect or only limited adverse effect on any property or the
2 permitted uses thereof within the affected area.

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

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

10 NOW, THEREFORE, it is hereby ordered that the application
11 for the Comprehensive Land Use Plan change from Agriculture to
12 Multiple Density and a Zone Change from AF (Agricultural/Forestry)
13 to RD 1500 (Multiple Family) for Fenner-Sangene on the subject
14 property, is hereby granted.

15 DONE AND DATED THIS 29 DAY OF December, 1978.

17 Neil Gordon
18 Chairman

20 Kay L. Kyrre
21 Member

22 STATE OF OREGON
23 County of Klamath

24 Filed for record ~~XXXXXX~~

25 APPROVED AS TO FORM:
26 Boivin, Boivin & Aspell

27 By: Robert D. Boivin

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on the 3rd day of January A.D. 19 79
at 8:46 P.M. in the County of Klamath
Recorded in Book 14 Page 211

V. D. MILER, County Clerk

Fee none