

60481

Vol. m79 Page 228

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE FOR ZONE CHANGE 78-37,)
FOR CASS WINDSOR)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Cass Windsor for a Comprehensive Land Use Plan Change from
Urban Density to Multiple Density and a Zone Change from RA
(Residential-Agricultural) to RD 3,000 (Multiple Family-Resident-
ial), by the Klamath County Planning Commission, on real property
described as Township 39S, Range 9 EWM, Section 9 (portion) of
S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Tax Lot 5800. Public hearings having
been heard by the Klamath County Planning Commission on September
26, 1978, wherefrom the testimony, reports, and information pro-
duced 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 Commission-
ers. Following action by the Planning Commission, a public hear-
ing before the Board of County Commissioners was regularly held
on November 2, 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
No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1. The Board of County Commissioners found proposed site to be approximately 3.5 acres in size and rectangle in shape, meaning site could accommodate multiple use.

2. The Board of County Commissioners found site had access to Hilyard Avenue, which is a paved county road and maintained. This road does appear to be able to carry the kind of traffic that would be generated by proposed use.

3. The Board of County Commissioners found proposed use, that being multiple use, would not have an effect on surrounding properties due to the fact there is a Mobile Home Park directly to the north of the site.

4. The Board of County Commissioners found that with a Mobile Home Park directly to the north, that proposed use was similar and therefore appeared to be the trend.

5. The Board of County Commissioners found that the surrounding property owners had been contacted, in order to allow for testimony at hearings, thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

6. The Board of County Commissioners found that proposed use conformed to those uses to the north, that being a Mobile Home Park, thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

7. The Board of County Commissioners found that there were services such as water, sewer to the site thus addressing L.C.D.C. Goal No. 6, Air, Water and Land Resources.

8. The Board of County Commissioners found the proposed use that being a multiple housing development would add to the

1 housing economy, thus addressing L.C.D.C. Goal No. 9, Economy
2 of the State.

3 9. The Board of County Commissioners found that per
4 testimony there was a housing need for a multiple housing develop-
5 ment, thus addressing L.C.D.C. Goal No. 10, Housing.

6 10. The Board of County Commissioners found that site
7 for multiple use had service such as water, sewer, telephone,
8 electricity and was within the City School District, thus address-
9 ing L.C.D.C. Goal No. 11, Public Facilities and Service.

10 11. The Board of County Commissioners found site has
11 paved roads to and from site, that being Hilyard Avenue and
12 Summers Lane, both being paved roads, thus addressing L.C.D.C.
13 Goal No. 12, Transportation.

14 12. The Board of County Commissioners found that site
15 for proposed use appears to be within any urban growth boundary
16 lines that would be established at a later point in time after
17 all land use studies have been completed, thus addressing L.C.D.C.
18 Goal No. 14, Urbanization.

19 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
20 CHANGE:

21 1. The property affected by the change of comprehensive
22 land use plan is adequate in size and shape to facilitate those
23 uses normally allowed in conjunction with such zoning;

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

28 3. The proposed change of comprehensive land use plan

1 will have no adverse effect or only limited adverse effect on
2 any property or the permitted uses thereof within the affected
3 area.

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

8 5. That the proposed change of comprehensive land use
9 plan is in keeping with any land use plans duly adopted and does,
10 in effect, present the highest, best and most appropriate use of
11 the land affected.

12 FINDINGS OF FACT FOR ZONE CHANGE:

13 1. The Board of County Commissioners found proposed
14 site to be approximately 3.5 acres in size and rectangle in shape,
15 meaning site could accommodate multiple use.

16 2. The Board of County Commissioners found site had
17 access to Hilyard Avenue, which is a paved county road and main-
18 tained. This road does appear to be able to carry the kind of
19 traffic that would be generated by proposed use.

20 3. The Board of County Commissioners found proposed
21 use, that being multiple use, would not have an effect on surround-
22 ing properties due to the fact there is a Mobile Home Park direct-
23 ly to the north of the site.

24 4. The Board of County Commissioners found that with
25 a Mobile Home Park directly to the north, that proposed use was
26 similar and therefore appeared to be the trend.

27 5. The Board of County Commissioners found that the
28 surrounding property owners had been contacted, in order to allow

1 for testimony at hearings, thus addressing L.C.D.C. Goal No. 1,
2 Citizen Involvement.

3 6. The Board of County Commissioners found that proposed
4 use conformed to those uses to the north, that being a Mobile
5 Home Park, thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

6 7. The Board of County Commissioners found that there
7 were services such as water, sewer to the site thus addressing
8 L.C.D.C. Goal No. 6, Air, Water and Land Resources.

9 8. The Board of County Commissioners found the proposed
10 use that being a multiple housing development would add to the
11 housing economy, thus addressing L.C.D.C. Goal No. 9, Economy
12 of the State.

13 9. The Board of County Commissioners found that per-
14 testimony there was a housing need for a multiple housing develop-
15 ment, thus addressing L.C.D.C. Goal No. 10, Housing.

16 10. The Board of County Commissioners found that site
17 for multiple use had service such as water, sewer, telephone,
18 electricity and was within the City School District, thus address-
19 ing L.C.D.C. Goal No. 11, Public Facilities and Service.

20 11. The Board of County Commissioners found site has
21 paved roads to and from site, that being Hilyard Avenue and
22 Summers Lane, both being paved roads, thus addressing L.C.D.C.
23 Goal No. 12, Transportation.

24 12. The Board of County Commissioners found that site
25 for proposed use appears to be within any urban growth boundary
26 lines that would be established at a later point in time after
27 all land use studies have been completed, thus addressing L.C.D.C.
28 Goal No. 14, Urbanization.

CONCLUSIONS OF LAW FOR ZONE CHANGE:

1. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
2. The property affected 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 land uses and improvements, trends in land development, density of land development and prospective needs for development in the affected area.
5. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, present the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Urban Density to Multiple Density and Zone Change from RA (Residential-Agricultural) to RD 3,000 (Multiple Family-Residential) for Cass Windsor on the subject property, is hereby granted.

DONE AND DATED THIS 29 DAY OF December, 1978.

Neil Kuonen Chairman Hayden L. Myrnes Member Lloyd Giff Member

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
By: Robert L. Brown

ZC 78-37
Page 6

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 8:46 o'clock am p M., and duly recorded in Vol N 79 of DEEDS on Page 222.

FEE none

WM. D. MILNE, County Clerk
By Joqueline J. Mettler Deputy