

## BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION )  
FOR COMPREHENSIVE LAND USE PLAN )  
CHANGE AND ZONE CHANGE No. 78-51, )  
BY JOSEPH MERCER )

O R D E R

THIS MATTER having come on for hearing upon the application of Joseph Mercer for a Comprehensive Land Use Plan change from Urban Density to Multiple Density and a Zone Change from RD 10,000 (Single-Family Residential) to RD 3,000 (Multiple Density), by the Klamath County Planning Commission, on real property described as Township 38S, Range 9 EWM, Section 35, SW $\frac{1}{4}$ , Lots 61 and 62 of Lewis Tracts, being Tax Lots 15,400 and 15,500. Public hearings having been heard by the Klamath County Planning Commission on November 28, 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 December 21, 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

RECEIVED 9:00 AM

JAN 29 1979

1 No. 17, the Klamath County Zoning Ordinance;

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN  
3 CHANGE;

4 1. The Board of Commissioners found per testimony,  
5 that site for change of Comprehensive Land Use Plan was 36,000  
6 square feet and therefore was adequate in size and shape,

7 2. The Board of Commissioners found per testimony,  
8 that site had access off of Hope Street, which is a county paved  
9 road and appears to be able to carry the type of traffic that  
10 would be generated by proposed use.

11 3. The Board of Commissioners found, per testimony,  
12 that the trend in the area appears to be for denser population,

13 4. The Board of Commissioners found per testimony,  
14 that the adjacent property owners had been notified, thus address-  
15 ing L.C.D.C. Goal No. 1, Citizen Involvement,

16 5. The Board of Commissioners found per testimony,  
17 that proposed use was in conformance with land uses as site borders  
18 a Mobile Home Park, which is multiple type use, thus addressing  
19 L.C.D.C. Goal No. 2, Land Use Planning,

20 6. The Board of Commissioners found per testimony,  
21 that the use, being multiple residential, will help the economy  
22 of the area plus the economic potential of the property, thus  
23 addressing L.C.D.C. Goal No. 9, Economy of the State.

24 7. The Board of Commissioners found per testimony,  
25 that the proposed use of multiple dwellings will increase housing  
26 availability for citizens of which applicant indicated a need,  
27 thus addressing L.C.D.C. Goal No. 10, Housing.

28 8. The Board of Commissioners found that proposed site



1 will have adequate water as well as sewer connection. The Board  
2 also found site had electricity, telephone service and was within  
3 school, fire and irrigation districts, thus addressing L.C.D.C.  
4 Goal No. 11, Public Facilities and Services.

5 9. The Board of Commissioners found that site had  
6 adequate access which will be off of Hope Street and also that  
7 Hope Street allows transportation to and from site, thus address-  
8 L.C.D.C. Goal No. 2, Transportation.

9 10. The Board of Commissioners found site for change in  
10 Comprehensive Land Use Plan to be within any proposed urban growth  
11 boundary line that may be established once all land use studies  
12 have been completed at a later point in time.

13 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN  
14 CHANGE:

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

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

22 3. The proposed Comprehensive Land Use Plan change will  
23 have no adverse effect or only limited adverse effect on any  
24 property or the permitted uses thereof within the affected area.

25 4. That the proposed Comprehensive Land Use Plan  
26 change is in keeping with any land use plans duly adopted and  
27 does, in effect, represent the highest, best and most appropriate  
28 use of the land affected.

1           5. That the proposed Comprehensive Land Use Plan  
2 change is in keeping with land uses and improvements, trends in  
3 land development, density of land development, and prospective  
4 needs for development in the affected area.

5           FINDINGS OF FACT FOR ZONE CHANGE:

6           1. The Board of Commissioners found per testimony,  
7 that site for change of zone was 36,000 square feet in size  
8 and therefore was adequate in size and shape.

9           2. The Board of Commissioners found per tesimony,  
10 thatssite had access off of Hope Street, which is a county paved  
11 road and appears to be able to carry the type of traffic that  
12 would be generated by proposed use.

13           3. The Board of Commissioners found, per testimony,  
14 that the trend in the area appears to be for denser population.

15           4. The Board of Commissioners found per testimony,  
16 that the adjacent property owners had been notified, thus address-  
17 ing L.C.D.C. Goal No. 1, Citizen Involvement.

18           5. The Board of Commissioners found per testimony,  
19 that proposed use was in conformance with land uses as site  
20 borders a Mobile Home Park, which is multiple type use, thus  
21 addressing L.C.D.C. Goal No. 2, Land Use Planning.

22           6. The Board of Commissioners found per testimony,  
23 that the use, being multiple residential, will help the economy  
24 of the area plus the economic potential of the property, thus  
25 addressing L.C.D.C. Goal No. 9, Economy of the State.

26           7. The Board of Commissioners found per testimony,  
27 that the proposed use of multiple dwellings will increase housing  
28 availability for citizens of which applicant indicated a need,



1 thus addressing L.C.D.C. Goal No. 10, Housing.

2 8. The Board of Commissioners found that proposed site  
3 will have adequate water as well as sewer connection. The Board  
4 also found site had electricity, telephone service and was within  
5 school, fire and irrigation districts, thus addressing L.C.D.C.  
6 Goal No. 11, Public Facilities and Services.

7 9. The Board of Commissioners found that site had  
8 adequate access which will be off of Hope Street and also that  
9 Hope Street allows transportation to and from site, thus address-  
10 ing L.C.D.C. Goal No. 2, Transportation.

11 10. The Board of Commissioners found site for change in  
12 zone to be within any proposed urban growth boundary line that  
13 may be established once all land use studies have been completed  
14 at a later point in time.

15 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

26 4. That the proposed change of zone is in keeping with  
27 any land use plans duly adopted and does, in effect, represent  
28 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 for the Comprehensive Land Use Plan change from Urban Density to Multiple Density and Zone Change from RD 10,000 (Single-Family Residential) to RD 3,000 (Multiple Family Residential) for Joseph Mercer on the subject property, is hereby granted.

DONE AND DATED THIS 24 DAY OF January 1979.

*Floyd L. Myrnes*  
CHAIRMAN OF THE BOARD

*Alvin A. Chapin*  
COUNTY COMMISSIONER

*Russ Kuonen*  
COUNTY COMMISSIONER

APPROVED AS TO FORM:  
Boivin Boivin & Aspell

By: *Robert Boivin*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 29th day of January A. D. 19 79 at 9:00 o'clock A M., on

fully recorded in Vol. 1179, of Deeds on Page 2342

Wm D. MILNE, County Clerk

By: *Bernice A. Shetch*