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BOARD OF COUNTY COMMISSIONERS

Page

1979
4570

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
AND ZONE CHANGE No. 78-59, BY)
BILL BAILEY)

O R D E R

THIS MATTER having come on for hearing upon the appli-
cation of Billy Bailey for a Comprehensive Land Use Plan change
from Light Industrial to Suburban Density and a Zone Change
from M-2 (Medium-Manufacturing) to RA (Residential-Agricultural),
by the Klamath County Planning Commission, on real property
described as Township 39S, Range 9 EWM, Section 12, Lots 1 thru
20, Block 16 of Ewauna Park. Public hearings having been heard
by the Klamath County Planning Commission on December 19, 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. Follow-
ing action by the Planning Commission, a public hearing before
the Board of County Commissioners was regularly held on January
16, 1979, 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 hear-
ing 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
3 CHANGE:

4 1. The Board of Commissioners found site for change
5 in Comprehensive Land Use Plan and zone to be located on the south-
6 west corner of LaVerne Street and Midland Highway.

7 2. The Board of Commissioners found site to be 3 3/4
8 acres in size and therefore meets the property development
9 standards of the Land Use change and also the RA (Residential-
10 Agricultural) Zone.

11 3. The Board of Commissioners found site for change
12 of Comprehensive Land Use Plan and zone would have no adverse
13 effects on surrounding properties as the area to the north is
14 commercial and to the east is the Rail Road.

15 4. The Board of Commissioners found site for change
16 in Land Use and zone is in keeping with trends in that there is
17 residential zoning to the south.

18 5. The Board of Commissioners found change of Com-
19 prehensive Land Use Plan and Zone for proposed site represents
20 the best and most appropriate use of the land.

21 6. The Board of Commissioners found adjoining
22 property owners were notified of hearing and the record indicated
23 that there was a letter from the adjoining property owners in
24 favor of the change, thus addressing L.C.D.C. Goal No. 1, Citizen
25 Involvement.

26 7. The Board of Commissioners found that site for
27 change in zone had approval for septic tanks and also site had
28 water available, thus addressing L.C.D.C. Goal No. 6, Air, Water

1 Land Resources.

2 8. The Board of Commissioners found that per testi-
3 mony, there was a demand for a house on subject parcel, thus
4 addressing L.C.D.C. Goal No. 10, Housing.

5 9. The Board of Commissioners found proposed use
6 would not have adverse effects on schools and also there is
7 electricity and telephone service to site, thus addressing
8 L.C.D.C. Goal No. 11, Public Facilities and Services.

9 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
10 CHANGE:

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

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

18 3. The proposed Comprehensive Land Use Plan change
19 will have no adverse effect or only limited adverse effect on
20 any property or the permitted uses thereof within the affected
21 area.

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

26 5. That the proposed Comprehensive Land Use Plan
27 change is in keeping with land uses and improvements, trends in
28 land development, density of land development, and prospective

1 needs for development in the affected area.

2 FINDINGS OF FACT FOR ZONE CHANGE:

3 1. The Board of Commissioners found site for change
4 in Comprehensive Land Use Plan and zone to be located on the
5 southwest corner of LaVerne Street and Midland Highway.

6 2. The Board of Commissioners found site to be 3 3/4
7 acres in size and therefore meets the property development
8 standards of the Land Use change and also the RA (Residential-
9 Agricultural) Zone.

10 3. The Board of Commissioners found site for change
11 of Comprehensive Land Use Plan and zone would have no adverse
12 effects on surrounding properties as the area to the north is
13 commercial and to the east is the railroad.

14 4. The Board of Commissioners found site for change
15 in Land Use and zone is in keeping with trends in that there is
16 residential zoning to the south.

17 5. The Board of Commissioners found change of Compre-
18 hensive Land Use Plan and Zone for proposed site represents
19 the best and most appropriate use of the land.

20 6. The Board of Commissioners found adjoining
21 property owners were notified of hearing and the record indicated
22 there was a letter from the adjoining property owners in favor
23 of the change, thus addressing L.C.D.C. Goal No. 1, Citizen
24 Involvement.

25 7. The Board of Commissioners found that site for
26 change in zone had approval for septic tanks and also site had
27 water available, thus addressing L.C.D.C. Goal No. 6, Air, Water
28 and Land Resources.

1 8. The Board of Commissioners found that per testi-
2 mony, there was a demand for a house on subject parcel, thus
3 addressing L.C.D.C. Goal No. 10, Housing.

4 9. The Board of Commissioners found proposed use
5 would not have adverse effects on schools and also there is
6 electricity and telephone service to site, thus addressing
7 L.C.D.C. Goal No. 11, Public Facilities and Services.

8 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

12 2. The property affected by the proposed change of
13 zone is properly related to streets and highways to adequately
14 serve the type of traffic generated by such uses that may be
15 permitted therein.

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

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

23 5. That the proposed change of zone is in keeping
24 with land uses and improvements, trends in land development,
25

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27 Continued on next page

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

3 NOW, THEREFORE, it is hereby ordered that the appli-
4 cation for the Comprehensive Land Use Plan change from Light
5 Industrial to Suburban Density and a Zone Change from M-2 (Med-
6 ium Manufacturing) to RA (Residential-Agricultural) Zone for
7 Bill Bailey, on the subject property is hereby granted.

8 DONE AND DATED THIS 28th DAY OF February, 1979.
9

10
11 Floyd L. Wynne
12 CHAIRMAN OF THE BOARD
13

14
15 Alvin A. Payne
16 COUNTY COMMISSIONER
17

18
19 Paul Kroonen
20 COUNTY COMMISSIONER
21

22 STATE OF OREGON,)
23 County of Klamath)

24 Filed for record at request of

25 ----- Klamath County
26 on this 6th day of March A.D. 19 79
27 at 10:18 o'clock A M, and duly
28 recorded in Vol. M79 of Deeds
page 4970

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

26 By: Robert D. Boivin
27 COUNTY LEGAL COUNSEL
28

Wm D. MILNE, County Clerk

By: Bernard Max Welch Deputy

Fee None