

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-19))
BY JOHN MAGUIRE))

O R D E R

THIS MATTER having come on for hearing upon the application of John Maguire for a Comprehensive Land Use Plan change from Urban Density to Suburban Density and a zone change from A (Agriculture) to RA (Residential Agriculture) by the Klamath County Planning Commission, on real property described as Township 39, Range 9, Section 1, Tax Lots 1800 and 1900. Public hearings having been heard by the Klamath County Planning Commission on July 17, 1979, 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 August 21, 1979, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appeared 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 site was located on the east side of Patterson Street and approximately 330 feet north of Simmers Avenue.

2. The Board of County Commissioners found site to be approximately one (1) acre in size, which appears to be adequate for proposed change in Comprehensive Land Use Plan from Urban Density to Suburban Density.

3. The Board of County Commissioners found site for change has access to Patterson Street, which is an adequate street and can accept the type of traffic that would be generated from proposed use, that being residential.

4. The Board of County Commissioners found site for change to be in conformance with land use trends, such as residential in the surrounding area.

5. The Board of County Commissioners found change in Comprehensive Land Use Plan for a residential site would not have an adverse effect on abutting properties as area is basically residential.

6. The Board of County Commissioners found L.C.D.C. Goal No. 1 had been addressed in that the surrounding property owners had been notified as well as the agencies and local media.

7. The Board of County Commissioners found L.C.D.C. Goal No. 2 had been addressed in that the surrounding land uses were residential and site is within an urban developed area.

8. The Board of County Commissioners found L.C.D.C. Goal No. 9 had been addressed in that the proposed use will provide

1 for an additional residence which will have a positive effect on
2 the economy of the area.

3 9. The Board of County Commissioners found per
4 testimony that there is a definite need for additional housing
5 in subject area, therefore, addressing L.C.D.C. Goal No. 10.

6 10. The Board of County Commissioners found L.C.D.C.
7 Goal No. 11, had been addressed in that site for change has water
8 as well as sewer. Site also has electricity and telephone
9 service. Site also is within a fire district and school district.

10 11. The Board of County Commissioners found L.C.D.C.
11 Goal No. 12 had been addressed in that Patterson Street, being a
12 paved street, allows traffic flow to and from site.

13 12. The Board of County Commissioners found site to
14 be within an area that is developed as an urban type development,
15 therefore, addressing L.C.D.C. Goal No. 14.

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

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

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

25 3. The proposed Comprehensive Land Use Plan change
26 will have no adverse effect or only limited adverse effect on
27 any property or the permitted uses thereof within the affected
28 area.

1 4. The proposed Comprehensive Land Use Plan change is
2 in keeping with any land use plans duly adopted and does, in
3 effect, represent the highest, best and most appropriate use of
4 the land affected.

5 5. The proposed Comprehensive Land Use Plan change is
6 in keeping with land uses and improvements, trends, in land devel-
7 opment, density of land development, and prospective needs for
8 development in the affected area.

9 FINDINGS OF FACT FOR ZONE CHANGE:

10 1. The Board of County Commissioners found site was
11 located on the east side of Patterson Street and approximately
12 330 feet north of Simmers Avenue.

13 2. The Board of County Commissioners found site to be
14 approximately one (1) acre in size, which appears to be adequate
15 for proposed change in zone from (A) Agricultural to RA_s (Resi-
16 dential Agriculture).

17 3. The Board of County Commissioners found site for
18 change has access to Patterson Street, which is an adequate street
19 and can accept the type of traffic that would be generated from
20 proposed use, that being residential.

21 4. The Board of County Commissioners found site for
22 change to be in conformance with land use trends, such as resi-
23 dential in the surrounding area.

24 5. The Board of County Commissioners found change in
25 zone for a residential site would not have an adverse effect on
26 abutting properties as area is basically residential.

27 6. The Board of County Commissioners found L.C.D.C.
28 Goal No. 1 had been addressed in that the surrounding property

1 owners had been notified as well as the agencies and local media.

2 7. The Board of County Commissioners found L.C.D.C.
3 Goal No. 2 had been addressed in that the surrounding land uses
4 were residential and site is within an urban developed area.

5 8. The Board of County Commissioners found L.C.D.C.
6 Goal No. 9 had been addressed in that the proposed use will pro-
7 vide for an additional residence which will have a positive
8 effect on the economy of the area.

9 9. The Board of County Commissioners found per
10 testimony that there is a definite need for additional housing
11 in subject area, therefore, addressing L.C.D.C. Goal No. 10.

12 10. The Board of County Commissioners found L.C.D.C.
13 Goal No. 11, has been addressed in that the site for change has
14 water as well as sewer. Site also is within a fire district and
15 school district.

16 11. The Board of County Commissioners found L.C.D.C.
17 Goal No. 12 has been addressed in that Patterson Street, being a
18 paved street, allows traffic flow to and from site.

19 12. The Board of County Commissioners found site to
20 be within an area that is developed as an urban type development,
21 therefore, addressing L.C.D.C. Goal No. 14.

22 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

1 permitted therein.

2 3. The proposed change of zone will have no adverse
3 effect on any property or the permitted uses thereof within the
4 affected area.

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

8 5. The proposed change of zone is in keeping with
9 land uses and improvements, trends in land development, density
10 of land development, and prospective needs for development in
11 the affected area.

12 NOW, THEREFORE, it is hereby ordered that the applica-
13 tion for the Comprehensive Land Use Plan change from Urban Density
14 to Suburban Density and zone change from A (Agriculture) to
15 RA (Residential Agricultural) for John Maguire on the subject
16 property, is hereby granted.

17 DONE AND DATED THIS 5th DAY OF October, 1979.

18 Floyd L. Maguire
Chairman

19
20 John A. Elyne
21 Member

22
23 Neil K. Kuroren
24 Member

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

28 By: Tony J. Boivin

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of
October A.D., 19 79 at 4:34 o'clock P M., and duly recorded in Vol M79,
of Deeds on Page 23704.

FEE None

WM. D. MILNE, County Clerk
By: Renee A. Skelton Deputy

Comprehensive Journal

Entered in Journal No. 279
at Page 13842A

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

STATE OF OREGON,

Plaintiff,

vs.

JEFFERY WILLIAMS,

Defendant,

No. 78-26 C

ORDER

FILED
Oct. 8 1979
Lawrence Mitchell

TO: WARDEN, OREGON STATE PENITENTIARY

IT APPEARING, to the Court that the Honorable Eldon F. Caley, Circuit Court Judge Pro Tem, has issued an Order dated October 2, 1979 directing that the bail of the Defendant Jeffery Williams be set and continued in the amount of \$10,000.00 and,

FURTHER directing that the \$1,000.00 cash security heretofore deposited with the clerk also be continued as the security deposit required by law pending the Defendants Appeal, and,

FURTHER, providing that said security deposit is effective immediately at the time of entry in the trial court file and it appearing to the Court that the Defendant is presently being held in the Oregon State Penitentiary pursuant to the sentencing of Eldon F. Caley.

IT IS HEREBY Ordered and directed that the Oregon State Penitentiary release the Defendant Jeffery Williams from any incarceration stemming from the above entitled case.

/////

1. ORDER

13842 B

Dated this 9th day of October, 1979.

Donald W. Pym
CIRCUIT COURT JUDGE

SAM A. MCKEN
ATTORNEY AT LAW
220 MAIN STREET
KLAMATH FALLS, OREGON 97601
PHONE 503/882-7797

1. ORDER

RECEIVED OCT

5 1979

13842 C

GEORGE W. HEUNER
DONALD A. DOLE
ELDON F. CALEY, P.C.
THOMAS W. KOLBERG
JEFFREY PUGH

NEUNER, DOLE, CALEY & KOLBERG
LAWYERS

810 S. E. DOUGLAS AVENUE
ROSEBURG, OREGON 97470

MAILING ADDRESS
P. O. BOX 1205
1503 673-5541

October 2, 1979

- Clerk
Klamath County Circuit Court
Klamath County Courthouse
Klamath Falls, OR 97601
- Re: State v. Jeffrey Williams
No. 78-22 C

Gentlemen:

Please file the original of this letter in the trial court file. This letter will constitute an Order relative to the defendant's bail or security release pending his appeal.

IT IS HEREBY ORDERED that the bail of the defendant Jeffrey Williams be set and continued at the previously established \$10,000 and that the \$1,000 cash security deposit heretofore deposited with the Clerk also be continued as the security deposit required by law pending defendant's appeal.

This Order is entered pursuant to the letter motion of the defendant's attorney dated September 28, 1979. This Order setting bail and security deposit shall be effective immediately at the time of entry in the trial court file.

Very truly yours,

ELDON F. CALEY
Circuit Court Judge Pro Tem

efc/vlm

c: Sam McKeen
Klamath County District Attorney

Attest: J. J. J.
Tom McKeen
378-4295