

79274

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-46)
BY JUANITA STEARNS)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Juanita Stearns for a Comprehensive Land Use Plan change
from Suburban Density to Urban Density and a zone change from A
(Agricultural) to RD 3,000 (Single Family Residential), by the
Klamath County Planning Commission on real property described as
Township 39, Range 10, Section 9, Tax Lot 4600. Public hearings
having been heard by the Klamath County Planning Commission on
October 23, 1979, wherefrom the testimony, reports, and informa-
tion produced at the hearing by the applicant, members of the
Planning Department Staff and other persons in attendance, the
Planning Commission recommended denial 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 November 26, 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 denied.

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 MAP
CHANGE:

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3 1. The Board of County Commissioners found site to be
4 located north of Mallory Drive and east of Christine Lane and just
5 outside of Pine Grove Ranchettes, being in the Pine Grove area.

6 2. The Board of County Commissioners found site was
7 zoned A (Agricultural) and that Pine Grove Ranchettes was zoned
8 RA (Residential Agricultural) but no RD 8,000 (Single Family
9 Residential) zones in the surrounding area.

10 3. The Board of County Commissioners found that the
11 effect of change on surrounding properties would be that the
12 change would create smaller lots that exist in the area and
13 possibly could establish a precedent.

14 4. The Board of County Commissioners found site for
15 change in Comprehensive Land Use Plan to urban use was not the
16 trend, but basically ranchette type lots and even bigger.

17 5. The Board of County Commissioners found that the
18 need for smaller lots in this area doesn't exist and that the
19 need was only that of a tenant to buy a portion of lot he was
20 living on.

21 6. The Board of County Commissioners found notification
22 had been sent out to surrounding property owners and that there
23 were people who testified in opposition to the proposed Comprehen-
24 sive Land Use Plan and zone change for Juanita Stearns, therefore
25 addressing L. C. D. C. Goal No. 1.

26 7. The Board of County Commissioners found that there
27 was no urban density type Comprehensive Land Use Plans in the area
28 as well as any RD (Single Family Residential) zones and change

would constitute a spot zone.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
MAP CHANGE:

1. The property affected by the Comprehensive Land Use Plan change is not adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning.

2. The property affected by the proposed Comprehensive Land Use Plan change 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 Comprehensive Land Use Plan change will have adverse effect on any property or the permitted uses thereof within the affected area.

4. The proposed Comprehensive Land Use Plan change is not in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.

5. The proposed Comprehensive Land Use Plan change is not in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners found site to be located north of Mallory Drive and east of Christine Lane and just outside of Pine Grove Ranchettes, being in the Pine Grove area.

2. The Board of County Commissioners found site was zoned A (Agricultural) and that Pine Grove Ranchettes was zoned RA (Residential Agricultural), but no RD 8,000 (Single Family

1 Residential) zones.

2 3. The Board of County Commissioners found that the
3 effect of change on surrounding properties would be that the change
4 would create smaller lots that exist in area and possibly could
5 establish a precedent.

6 4. The Board of County Commissioners found site for
7 change of zone to urban use was not the trend, but basically
8 ranchette type lots and even bigger.

9 5. The Board of County Commissioners found that the
10 need for smaller lots in this area doesn't exist and that the need
11 was only that of a tenant to buy a portion of lot he was living
12 on.

13 6. The Board of County Commissioners found notification
14 had been sent out to surrounding property owners and that there
15 were people who testified in opposition to the proposed zone
16 change for Juanita Stearns, therefore addressing L. C. D. C. Goal
17 No. 1.

18 7. The Board of County Commissioners found that there
19 were no urban density type Comprehensive Land Use Plans in the area
20 as well as any RD (Single Family Residential) zones and change
21 would constitute a spot zone.

22 CONCLUSIONS OF LAW FOR ZONE CHANGE:

23 1. The property affected by the change of zone is not
24 adequate in size and shape to facilitate those uses normally allow-
25 ed in conjunction with such zoning.

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

1 in.

2 3. The proposed change of zone will have adverse
3 effect on any property or the permitted uses thereof within the
4 affected area.

5 4. The proposed change of zone is not in keeping with
6 any land use plans duly adopted and does, in effect, represent
7 the highest, best, and most appropriate use of the land affected.

8 5. The proposed change of zone is not in keeping with
9 land uses and improvements, trends in land development, density
10 of land development, and prospective needs for development in the
11 affected area.

12 NOW, THEREFORE, it is hereby ordered that the applica-
13 tion for Comprehensive Land Use Plan change from Suburban Density
14 to Urban Density and zone change from A (Agricultural) to RD 8,000
15 (Single Family Residential) for Juanita Stearns on the subject
16 property is hereby denied.

17 DONE AND DATED THIS 9th DAY OF January 1980.

18
19 Philip A. Cheyne
20 Chairman

21 Paul Kuonen
22 Member

23
24 Harold L. Myrnes
25 Member

26 APPROVED AS TO FORM:
Boivin & Boivin

27 BY Robert Boivin

28 CLUP & ZC 79-46

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 14th day of
January A.D., 1980 at 2:23 o'clock P M., and duly recorded in Vol. M80
of Deeds on Page 682.

FEE No Fee

WM. D. MILNE, County Clerk

By Bernard A. Hetsch Deputy