

1660

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 79-33 FOR)
LEROY SUESS, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of LeRoy Sueess for a zone change from A (Agricultural) and
RA (Residential Agricultural) to RD 10,000 (Single Family Resi-
dential), by the Klamath County Planning Commission, on real
property described as Township 39, Range 10, Sections 6 and 7,
Tax Lots 200 and 201. Public hearings having been heard by the
Klamath County Planning Commission on August 28, 1979, September
11, 1979, and September 25, 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 on September
25, 1979, for decision only for 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 November 19, 1979, wherefrom the testimony at
said hearing it appeared that the record below was inaccurate and
incomplete and the Board of County Commissioners recommended Zone
Change No. 79-33 for further testimony regarding sewer, need,
proper notification, and traffic and drainage. On February 26,
1980, the Planning Commission reheard Zone Change No. 79-33,
and took all testimony and made a motion to the Board of
Commissioners, recommending approval. Following action by the
Planning Commission, a public hearing before the Board of County

80 MAY 22 PM 2 49

1 Commissioners was regularly held on April 16, 1980, wherefrom
2 the testimony at said hearing it appeared that the record below
3 was accurate and complete and it appeared from the testimony,
4 reports and exhibits introduced at the hearing before the
5 Planning Commission that the decision for application for a
6 zone change for the subject property, would be decided within
7 thirty-five (35) days.

8 On May 21, 1980, the Board of County Commissioners
9 approved Zone Change No. 79-33 and in doing so makes the following
10 Findings of Fact and Conclusions of Law as required by Ordinance
11 No. 17, the Klamath County Zoning Ordinance:

12 FINDINGS OF FACT FOR ZONE CHANGE:

13 1. The Board of County Commissioners found subject
14 property for change in zone only from A (Agricultural) and RA
15 (Residential Agricultural) to RD 10,000 (Single Family Residential)
16 to be located northeast of Hilyard Avenue and located southeast
17 of the Skyline Subdivision.

18 2. The Board of County Commissioners found site to be
19 odd shaped and approximately 47.7 acres in size.

20 3. The Board of County Commissioners found site to have
21 access off of Hilyard Avenue and also Cannon Street, Watson Street
22 to Hilyard Avenue to South Sixth Street, and with South Sixth
23 Street being a four-lane major arterial highway, it appears said
24 highway could handle traffic from site for change in zone.

25 4. The Board of County Commissioners found after zone
26 change had been sent back to the Planning Commission, that proper
27 notification had been given to the surrounding property owners as
28 well as to those agencies of concern, therefore addressing
ZC 79-33
Page -2-

1 L. C. D. C. Goal No. 1.

2 5. The Board of County Commissioners found that the
3 existing Comprehensive Land Use Plan was Urban Density and that
4 the change in zone would be in conformance with the Comprehensive
5 Land Use Plan. The existing Comprehensive Land Use Plan indicates
6 site for urban development and not agricultural uses, therefore
7 addressing L. C. D. C. Goal No. 2.

8 6. The Board of County Commissioners found per testimony
9 that site was not an economical agricultural unit, and that the
10 47 plus acres had Class VII soils, therefore addressing L. C. D.
11 C. Goal No. 3.

12 7. The Board of County Commissioners found site has no
13 timber of commercial value, and also that site was not in a
14 wildlife area, therefore addressing L. C. D. C. Goals Nos. 4 and
15 5.

16 8. The Board of County Commissioners found per Applicant's
17 Exhibit No. 3 that the City of Klamath Falls will provide water,
18 and as indicated per testimony, City would honor Oregon Water
19 Corporation contract, therefore addressing L. C. D. C. Goal No. 6.

20 9. The Board of County Commissioners found per testimony
21 that site for change in zone was in proximity of the South
22 Suburban Sanitary District lines, again addressing L. C. D. C.
23 Goal No. 6.

24 10. The Board of County Commissioners found per testimony
25 that underground drainage provisions would likely be developed at
26 the time of the subdivision, and also that site appears to be in
27 the new existing drainage district, therefore addressing L. C.
28 D. C. Goal No. 6.

1 11. The Board of County Commissioners found site for
2 change in zone would be for urban development and such development
3 would help the economy as site could possibly be developed for
4 79 housing sites, therefore addressing L. C. D. C. Goal No. 9.

5 12. The Board of County Commissioners found that, per
6 applicant's testimony and exhibits, they provided need for
7 change, therefore addressing L. C. D. C. Goal No. 10.

8 13. The Board of County Commissioners found that public
9 facilities to site were electricity and telephone. Site was
10 also in the South Suburban Fire District and also with a school
11 district. The Board of County Commissioners addressed water and
12 sewer as per Finding No. 8 and Finding No. 9, therefore addressing
13 L. C. D. C. Goal No. 11.

14 14. The Board of County Commissioners made Finding of
15 Fact about access and also transportation as per Finding No. 3,
16 therefore addressing L. C. D. C. Goal No. 12.

17 15. The Board of County Commissioners found per testimony
18 site is close to city limits where there are sources of energy,
19 therefore addressing L. C. D. C. Goal No. 13.

20 16. The Board of County Commissioners found, per
21 testimony, site for change in zone only, that area is where
22 there is urban type development such as Skyline Subdivision to
23 the northwest, commercial activities to the south and west,
24 therefore addressing L. C. D. C. Goal No. 14.

25 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

15 NOW, THEREFORE, it is hereby ordered that the application
16 for zone change from A (Agricultural) and RA (Residential-Agri-
17 cultural) to RD 10,000 (Single Family Residential) for LeRoy Sues
18 on the subject property is hereby granted.

19 DONE AND DATED THIS 21st DAY OF May, 1980.

20

21

22

23

24

25

26

27

28

Chris A. Cheyne
Chairman

Nice Kuonen
Member

Member

APPROVED AS TO FORM:
Boivin & Boivin

BY Walter Boivin

ZC 79-33
Page -5-

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 22nd day of
May A.D., 19 80 at 2:49 o'clock P M., and duly recorded in Vol. M80,
of Deeds on Page 9400.

FEE None

WM. D. MILNE, County Clerk

By Kenneth A. Hetch Deputy