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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

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IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 80-25)
FOR JOHN FABIANEK)
)

O R D E R

THIS MATTER having come on for hearing upon the application of John Fabianek for a Comprehensive Land Use Plan change from Suburban Density to Urban Density and a zone change from A (Agricultural) to RD 10,000, by the Klamath County Planning Commission, on real property described as Tax Lot 8700, located in the NW¼ of the NE¼ of Section 14, Township 39, Range 9. Public hearings having been heard by the Klamath County Planning Commission on July 29, 1980, 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 September 9, 1980, 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:

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1. The Board of County Commissioners found that the zone change would give the applicant the proper zoning to create three residential lots, therefore addressing L. C. D. C. Goal No. 10.

2. The Board of County Commissioners found that the property in question is .93 acres in size, which is adequate for the three lots applicant proposes to divide it into.

3. The Board of County Commissioners found that the site fronts on Homedale Road which is adequate for any additional traffic applicant's proposal may generate, therefore addressing L. C. D. C. Goal No. 12.

4. The Board of County Commissioners found that a division of this property would create lots similar to many others existing in the area and that the RD 10,000 (Single Family Residential) zone is consistent with the trend in this area toward single-family dwellings, therefore addressing L. C. D. C. Goal No. 2.

5. The Board of County Commissioners found that neighboring property owners and concerned agencies were notified of the hearings on this matter, therefore addressing L. C. D. C. Goal No. 1.

6. The Board of County Commissioners found that the property is not an agricultural site due to its small size and the residential subdivisions to its west and north, therefore addressing L. C. D. C. Goal No. 3.

7. The Board of County Commissioners found that the site has electrical and telephone service, is served by public

sewer and water systems, and is within a fire protection district, therefore addressing L. C. D. C. Goal No. 11.

8. The Board of County Commissioners found that the property is within the Klamath Falls urban area, therefore addressing L. C. D. C. Goal No. 14.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1. The property affected by the Comprehensive Land Use Plan change is 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 no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. The proposed Comprehensive Land Use Plan change is 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 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 that the zone change would give the applicant the proper zoning to create

three residential lots, therefore addressing L. C. D. C. Goal No. 10.

2. The Board of County Commissioners found that the property in question is .93 acres in size, which is adequate for the three lots applicant proposes to divide it into.

3. The Board of County Commissioners found that the site fronts on Homedale Road which is adequate for any additional traffic applicant's proposal may generate, therefore addressing L. C. D. C. Goal No. 12.

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6. The Board of County Commissioners found that the property is not an agricultural site due to its small size and the residential subdivisions to its west and north, therefore addressing L. C. D. C. Goal No. 3.

7. The Board of County Commissioners found that the site has electrical and telephone service, is served by public sewer and water systems, and is within a fire protection district, therefore addressing L. C. D. C. Goal No. 11.

8. The Board of County Commissioners found that the

property is within the Klamath Falls urban area, therefore addressing L. C. D. C. Goal No. 14.

CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

4. The proposed change of zone is 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 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 Suburban Density to Urban Density and zone change from A (Agricultural) to

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RD-10,000 (Single Family Residential) for John Fabianek on the subject property, is hereby granted.

DONE AND DATED THIS 7th DAY OF January, 1981.

Chairman

Member

Member

APPROVED AS TO FORM:
Boivin & Boivin

By

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of Klamath County
this 12th day of January A. D. 19 81 at 2:58 o'clock P M., and
duly recorded in Vol. M81, of Deeds on Page 545.
EVELYN BIEHN, County Clerk
By Bernetha A Letsch

No Fee

Commissioners Journal