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BOARD OF COUNTY COMMISSIONERS

Vol. 81

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4429

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 80-53)
FOR VELMA GEORGE, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the application of Velma George for a Comprehensive Land Use Plan Change from Urban Density to Suburban Density and a zone change from RD 7,000 (Single Family Residential) to RA (Residential Agricultural), by the Klamath County Planning Commission on real property described as being in Township 39, Range 9, NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 7, being Tax Lots 2900 and 4900, Klamath County, Oregon. Public hearings having been heard by the Klamath County Planning Commission on November 25, 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 disapproval 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 December 29, 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 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:

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1 1. The Board of County Commissioners finds that the
2 existing and surrounding Comprehensive Land Use Plan in the area
3 is Residential and existing zoning is RD 7,000 (Single Family
4 Residential) with some commercial and fire station, not resident-
5 ial agriculture.

6 2. The Board of County Commissioners finds that the
7 property is 21,000 square feet in size. It is approximately 300
8 feet long, and that includes two lots that are zoned RD 7,000
9 (Single Family Residential).

10 3. The Board of County Commissioners finds that the site
11 is located at Cortez Street, Highway No. 66, and Douglas Avenue
12 in Stewart Lenox area.

13 4. The Board of County Commissioners finds that the
14 existing use is to remain residential as proposed use is to
15 utilize the vacant lot for keeping of a horse is a related
16 agricultural use.

17 5. The Board of County Commissioners finds that the
18 access is by the three streets which is adequate for the existing
19 use. There is no proposed increase in traffic volume.

20 6. The Board of County Commissioners finds the proposed
21 use, having a horse, does have an effect on surrounding properties
22 and according to the written testimony of Klamath County Depart-
23 ment of Health Services letter dated October 27, 1980, they
24 would have a potential increase in health hazard that exists
25 according to the letter and exhibits attached.

26 7. The Board of County Commissioners finds that the land
27 use trends in the area are residential and commercial, and not
28 zoned for residential agricultural uses.

1 8. The Board of County Commissioners finds site is in
2 an area that has septic problems that still exist, and a recent
3 check by the Health Department indicated that no septic system
4 repair permit has ever been issued.

5 9. The Board of County Commissioners finds that the
6 Planning Department sent out notification to surrounding property
7 owners as well as to those agencies of concern, therefore address-
8 ing L. C. D. C. Goal No. 1.

9 10. The Board of County Commissioners finds that the
10 existing land use is Urban Density and is being utilized for
11 urban use, therefore addressing L. C. D. C. Goal No. 2.

12 11. The Board of County Commissioners finds per testi-
13 mony that the site is in an area where there are problems with
14 keeping animals on a small lot because of past history of having
15 problems with septic waste had been found, therefore addressing
16 L. C. D. C. Goal No. 6.

17 12. The Board of County Commissioners finds that the site
18 is now zoned for residential purposes. There is an existing
19 house on Tax Lot 2900, therefore meeting the Property Development
20 Standards of the RD 7,000 (Single Family Residential) zone,
21 therefore addressing L. C. D. C. Goal No. 10.

22 13. The Board of County Commissioners finds that the
23 site for change has electricity as well as telephone service.
24 Site is also within a school district, therefore addressing
25 L. C. D. C. Goal No. 11.

26 14. The Board of County Commissioners finds that the
27 site is close to and within the proposed urban area where there
28 are energy sources such as gas and electricity, therefore

1 addressing L. C. D. C. Goals Nos. 13 and 14,

2 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
3 CHANGE:

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

7 2. The property affected by the proposed Comprehensive
8 Land Use change is not properly related to streets and highways
9 to adequately serve the type of traffic generated by such uses
10 that may be permitted therein.

11 3. The proposed Comprehensive Land Use Plan Change will
12 have adverse effect on any property or the permitted uses
13 thereof within the affected area.

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

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

22 FINDINGS OF FACT FOR ZONE CHANGE:

23 1. The Board of County Commissioners finds that the
24 existing and surrounding Comprehensive Land Use Plan in the area
25 is Residential and existing zoning is RD 7,000 (Single Family
26 Residential) with some commercial and fire station, not resident-
27 ial agriculture.

28 2. The Board of County Commissioners finds that the

1 property is 21,000 square feet in size. It is approximately 300
2 feet long, and that includes two lots that are zoned RD 7,000
3 (Single Family Residential).

4 3. The Board of County Commissioners finds that the site
5 is located at Cortez Street, Highway No. 66, and Douglas Avenue
6 in Stewart Lenox area.

7 4. The Board of County Commissioners finds that the
8 existing use is to remain residential as proposed use is to
9 utilize the vacant lot for keeping of a horse is a related
10 agricultural use.

11 5. The Board of County Commissioners finds that the
12 access is by the three streets which is adequate for the existing
13 use. There is no proposed increase in traffic volume.

14 6. The Board of County Commissioners finds the proposed
15 use, having a horse, does have an effect on surrounding proper-
16 ties and according to the written testimony of Klamath County
17 Department of Health Services letter dated October 27, 1980, they
18 would have appotential increase in health hazard that exists
19 according to the letter and exhibits attached.

20 7. The Board of County Commissioners finds that the land
21 use trends in the area are residential and commercial, and not
22 zoned for residential agricultural uses.

23 8. The Board of County Commissioners finds that the site
24 is in an area that has septic problems that still exist, and a 120
25 recent check by the Health Department indicated that no septic
26 system repair permit has ever been issued.

27 9. The Board of County Commissioners finds that the
28 Planning Department sent out notification to surrounding property

1 owners as well as to those agencies of concern, therefore address-
2 ing L. C. D. C. Goal No. 1.

3 10. The Board of County Commissioners finds that the
4 existing land use is Urban Density and is being utilized for
5 urban use, therefore addressing L. C. D. C. Goal No. 2.

6 11. The Board of County Commissioners finds per testimony
7 that the site is in an area where there are problems with keeping
8 animals on a small lot because of past history of having problems
9 with septic waste had been found, therefore addressing L. C. D. C.
10 Goal No. 6.

11 12. The Board of County Commissioners finds that the site
12 is now zoned for residential purposes. There is an existing house
13 on Tax Lot 2900, therefore meeting the Property Development
14 Standards of the RD 7,000 (Single Family Residential) zone,
15 therefore addressing L. C. D. C. Goal No. 10.

16 13. The Board of County Commissioners finds that the site
17 for change has electricity as well as telephone service. Site
18 is also within a school district, therefore addressing L. C. D.
19 C. Goal No. 11.

20 14. The Board of County Commissioners finds that the site
21 is close to and within the proposed urban area where there are
22 energy sources such as gas and electricity, therefore addressing
23 L. C. D. C. Goals Nos. 13 and 14.

24 CONCLUSIONS OF LAW FOR ZONE CHANGE:

25 1. The property affected by the change of zone is not
26 adequate in size and shape to facilitate those uses normally
27 allowed in conjunction with such zoning.

28 2. The property affected by the proposed change of zone

1 is not properly related to streets and highways to adequately
 2 serve the type of traffic generated by such uses that may be
 3 permitted therein.

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

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

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

14 NOW, THEREFORE, it is hereby ordered that the application
 15 for the Comprehensive Land Use Plan change from Urban Density
 16 to Suburban Density and zone change from RD 7,000 (Single Family
 17 Residential) to RA (Residential Agricultural) for Velma George
 18 on the subject property is hereby denied.

19 DONE AND DATED THIS 9th DAY OF March, 1981.

20
21
22 Chairman

23 Roy L. Nynne
24 Member

25 Chas. T. Cheyne
26 Member

27 APPROVED AS TO FORM:
BOIVIN AND BOIVIN

28 BY Arthur D. 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
12th day of March A.D., 1981 at 8:35 o'clock A M., and duly recorded in
 Vol M81, of Deeds on page 4429.

Fee \$ None

EVELYN DIEHN
COUNTY CLERK

By Debra A. Jensen deputy