

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR KLAMATH COUNTYIN THE MATTER OF A COMPREHENSIVE
LAND USE PLAN/ZONE CHANGE 2-99 FOR
PARADISE HILL DEVELOPMENT, LLC.

ORDER

This matter came before the Planning Commission and the Board of County Commissioners on March 23, 1999, in the Klamath County Government Center in Klamath Falls, Oregon. The hearing was continued to June 22, 1999. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The applicant was represented by its attorney, Michael L. Spencer. Numerous individuals testified and their names and addresses are on file with the Planning Department.

FINDINGS OF FACT

The Board makes the following findings of fact, based upon the record of the proceedings:

1. The property affected by this zone change is currently zone NR.
2. A change of zoning from NR to R-5, as requested, is appropriate in that the property affected is adequate in size, shape and configuration to facilitate residential uses.
3. The average slope is more than 15%. However, engineering and other studies presented by the Applicant showed that building can safely be done on the properties without danger and there will be no increased fire or flood hazard.
4. The streets either currently in or proposed to be installed will adequately serve the residential uses provided by the zone change.
5. No significant adverse impacts have been identified or implied by this zone change.

Residential wells in the area will not be affected by the addition of 9 new potential wells and no impact from sewage will occur. Drainage concerns have been addressed by the Applicant. Impacts to highway safety have been addressed by additional cutbacks on Shady Pine Road and the proposed paving of a portion of Shady Pine Road at its intersection with Hwy 97.

6. The proposed zone change does not afford any special privileges to the applicants other than those afforded to any property owner obtaining this type of zone change.

7. The zone change will not result in Urbanization in that no urban services will be provided and the five acre lot size is rural in nature. An exemption from Goal 14 is not required.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board makes the following conclusions of law:

1. The proposed zone change from NR to R-5 is in conformance with the Comprehensive Plan.
2. The proposed zone change meets all of the review criteria provided for in LDC 47.030.

ORDER

The Board of County Commissioners for Klamath County, Oregon hereby Orders that the zone change from NR to R-5 be granted.

Dated this 26th day of JULY, 1999.

BOARD OF COUNTY COMMISSIONERS

APPROVED AS TO FORM:

County Counsel

State of Oregon, County of Klamath
Recorded 7/28/99, at 2:03 p.m.
In Vol. M99 Page 30058
Linda Smith,
County Clerk Fees n/c RR