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BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION FOR)
COMPREHENSIVE LAND USE PLAN MAP)
CHANGE FOR ZONE CHANGE NO. 76-14)
BY DEAN SMART)

O R D E R

THIS MATTER having come on for hearing upon the application of Dean Smart, said change application being numbered Comprehensive Land Use Plan map change for Zone Change No. 76-14 for a change in the Comprehensive Land Use Plan from Urban Density Residential to General Commercial on the Comprehensive Land Use Plan map and a public hearing having been heard by the Klamath County Planning Commission on August 24, 1976, where from the testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, the Planning Commission continued the matter to September 14, 1976, for decision only at which time the Planning Commission recommended disapproval of the Comprehensive Land Use Plan map change for Zone Change 76-14 for Dean Smart. Following action by the Planning Commission, a public hearing was regularly held on October 18, 1976, before the Board of County Commissioners, where from the testimony, reports and information produced at the hearing that there was substantial evidence for the action taken by the Planning Commission and that the application for the Comprehensive Land Use Plan map change for Zone Change 76-14 for that certain property described as a parcel of land approximately 105 feet by 200 feet and generally located on the north side of Maryland Avenue, approximately 525 feet west of Altamont Drive and more specifically described as Lot 19, Block 4, First Addition to Altamont Acres should not be granted, the Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

Findings of Fact:

1. Access to property is through a residential area on Maryland Street which is a dead end street.
2. Maryland Street is not adequate to carry any significant commercial traffic.
3. Present Urban Density Residential designation is the proper designation.
4. There are properties available in commercially designated areas.
5. The site is not adequate in size and shape to accommodate commercial uses.

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Conclusions of Law:

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 uses.

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

5. The proposed Comprehensive Land Use Plan change does not represent the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for a Comprehensive Land Use Plan change for Zone Change No. 76-14 by Dean Smart requesting a change from Urban Density Residential to General Commercial on real property described as Lot 19, Block 4, First Addition to Altamont Acres is hereby denied.

DONE AND DATED THIS 23rd day of November, 1976.

Raymond P. Thorne
Raymond Thorne
Chairman of the Board

Bryant Williams
Bryant Williams
County Commissioner

Lloyd Gift
Lloyd Gift
County Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Bradley H. Hsu*

STATE OF OREGON, COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 7th day of
DECEMBER A.D., 1976 at 11:37 o'clock A.M., and duly recorded in Vol. M 76
of DEEDS on Page 19614.

FEE NONE

WM. D. MILNE, County Clerk

By *Hazel Unzueta* Deputy