

BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

IN THE MATTER OF APPLICATION)
FOR COMPREHENSIVE LAND USE)
PLAN MAP CHANGE FOR ZONE)
CHANGE NO. 76-24 FOR)
WADE CRAWFORD)

O R D E R

THIS MATTER having come on for hearing upon the application of Wade Crawford for an amendment to the Comprehensive Land Use Plan accompanying Zone Change 76-24, for a change from Agriculture to General Commercial on the Comprehensive Land Use Plan Map. A public hearing having been heard by the Klamath County Planning Commission on June 28, 1977, 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 August 22, 1977, wherefrom the testimony, it appeared that the record below was accurate and complete and it appears from the testimony, reports and information produced at the hearing below that the application for a change of Comprehensive Land Use Plan for certain real property described as a tract of land situated in Section 21, Township 35S, Range 7E.W.M. and being Tax Lot 100 of County Assessor's map 3507-2100, should be granted.

The Board of County Commissioners makes the following

78 MAY 30 PM 2 29

1 Findings of Fact and Conclusions of Law as required by Ordinance
2 No. 17, the Klamath County Zoning Ordinance.

3 Findings of Fact:

4 1. On June 28, 1977, before the Planning Commission,
5 the Planning Department Staff pointed out to the Planning
6 Commission from Klamath County Exhibit "C", Assessor's Map,
7 that the location of the proposed site was located west of
8 Highway 97 and approximately 500 feet north of the William-
9 son River.

10 2. The Planning Department Staff also indicated
11 this site as being 2.13 acres in size and was a portion of lots
12 No. 7 and 41.

13 3. On June 28, 1977, before the Planning Commission,
14 a plot plan was produced by the applicant and marked Applicant's
15 Exhibit No. 2. The plot plan indicated applicant's proposed
16 building for commercial use as being able to meet the property
17 development standards of the Commercial Zone.

18 4. It was pointed out to the Planning Commission,
19 that access to the proposed site would be off of Highway 97,
20 per access permit numbered 6846 which was issued in November
21 1956, by the State Highway Department.

22 5. Before the Planning Commission, it was also
23 noted, applicant's access would be the same as that access for
24 Williamson River Estates Subdivision. If applicant were to
25 acquire a new access onto Highway 97, the applicant would have
26 to go through channelization.

27 6. Testimony from applicant and other witnesses at
28 the hearing, indicated to the Planning Commission that the

1 Comprehensive Land Use Plan change from Agriculture to General
2 Commercial would have only limited adverse affect on property
3 within affected area as there are other commercial activities
4 in the area.

5 7. Testimony from Planning Department Staff indicated
6 directly across Highway 97 and to the east of the proposed site,
7 that other commercial activities that existed, was gas station
8 and cafe and a motel.

9 8. Testimony taken at the Planning Commission hearing
10 on the Comprehensive Land Use Plan change from Agriculture
11 to General Commercial indicated that this type of use was the
12 trend in the immediate area.

13 9. Testimony from applicant indicated to the Planning
14 Commission that there were no other available lots for Commercial
15 use in the immediate area.

16 10. Testimony from applicant on June 28, 1977, before
17 the Planning Commission indicated there was a need for this
18 Comprehensive Land Use change in that:

- 19 A. There had been an increase in traffic on
20 Highway 97 with no commercial uses in the
21 proposed area, that would take care of
22 the traffics need.
23 B. That the proposed uses, such as laundromat,
24 store would be available to people traveling.

25 11. It was pointed out to the Planning Commission
26 that this proposed Comprehensive Land Use change from Agriculture
27 to General Commercial is a more appropriate use in that the
28 existing ground of the proposed ares is that of rock and not

1 suitable for farming.

2 12. Goal No. 1 of LCDC which pertains to Citizen
3 Involvement, states that the goal is to insure the opportunity
4 for citizens to be involved in the planning process; therefore,
5 the Planning Department did notify the Chillicothe Area Committee
6 and they as a Committee recommended approval of the Comprehen-
7 sive Land Use change.

8 13. Goal No. 9 of LCDC which is the Goal for the
9 economy of the state and therefore, by Planning Commission
10 recommending approval of this Comprehensive Land Use change
11 to the Board of County Commissioners allows for the development
12 of commercial activities that would help the economy of that
13 area.

14 Conclusions of Law:

15 1. The property affected by the Comprehensive Land
16 Use Plan change is adequate in size and shape to facilitate
17 those uses normally allowed in conjunction with such zoning.

18 2. The property affected by the proposed Comprehensive
19 Land Use Plan change is properly related to streets and highways
20 to adequately serve the type of traffic generated by such uses
21 that may be permitted therein.

22 3. The proposed Comprehensive Land Use Plan change
23 will have no adverse effect or only limited adverse effect
24 on any property or the permitted uses thereof within the
25 affected area.

26 4. That the proposed Comprehensive Land Use Plan
27 change is in keeping with land uses and improvements, trends in
28 land development, and prospective needs for development in the

1 affected area.

2 5. That the proposed Comprehensive Land Use Plan
3 change is in keeping with any land use plans duly adopted
4 and does, in effect, represent the highest, best and most appropri-
5 ate use of the land affected.

6 NOW, THEREFORE, IT IS HEREBY ORDERED that the
7 application for Comprehensive Land Use Plan map change for
8 Wade Crawford from Agriculture to Commercial General on certain
9 real property described as tract of land situated in Section 21,
10 Township 35S, Range 7E.W.M., Klamath County, Oregon, is hereby
11 granted.

12 DONE AND DATED THIS 30TH day of MAY
13 1978.

14 *Nell Kuonen*
15 Nell Kuonen
16 Chairman

17 *Floyd Wynne*
18 Floyd Wynne
19 Commissioner

20 *Lloyd Giff*
21 Lloyd Giff
22 Commissioner

23 *Commissioners Journal*

24 APPROVED AS TO FORM:

25 *Bolvin, Bolvin & Aspell*
26 Bolvin, Bolvin & Aspell
27 County Legal Counsel

28 STATE OF OREGON,
County of Klamath,
Filed for record at request of

Klamath County
on this 30th day of May A.D. 1978
at 2:29 o'clock P M, and duly
recorded in Vol. 176 of Deeds
Page 1078

Wm D. Milne, County Clerk

Bernice White Deputy

Fee None