

BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

IN THE MATTER FOR CHANGE)
OF ZONE NO. 77-17, BY:)
FRANK P. WALKER)

O R D E R

THIS MATTER having come on for hearing upon the application of Frank P. Walker for a change of zone No. 77-17, for a change from AF (Agriculture-Forestry) to C-5 (Highway Commercial). A public hearing having been heard by the Klamath County Planning Commission on September 27, 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 November 23, 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 zone for certain real property described as that portion of Lot 28, located in Section 3, Township 36S, Range 7E.W.M., Klamath County, Oregon, and more particularly described as a parcel of land approximately 2½ acres in size and located on the West side of The Dallas-California Highway, should be granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance.

2 Findings of Fact:

3 1. On September 27, 1977, before the Planning
4 Commission, the Planning Department Staff pointed out to the
5 Planning Commission that the proposed site for change of zone
6 was a portion of Lot 28, and located in Section 3, Township
7 36S, Range 7E.W.M., Klamath County, Oregon. This finding was
8 Klamath County Exhibit "C", the Assessor's map, which was made
9 part of the record.

10 2. It was pointed out by the Applicant and Planning
11 Department Staff, that proposed site for change of zone was
12 2½ acres in size and rectangular in shape, and was 200 feet
13 by 500 feet.

14 3. The Applicant pointed out to the Planning Commission
15 on September 27, 1977, that this change of zone would allow an
16 area to be utilized for parking of trucks and therefore eliminate
17 the trucks parking on highway easements.

18 4. Access to the proposed site would be off of
19 Highway 97. A letter from the Oregon State Highway Division,
20 which was marked Applicant's Exhibit No. 1, indicated the
21 applicant had approved access per Permit No. 22402.

22 5. The Applicant pointed out to the Planning Commission
23 that this particular site relates to highways in that the land
24 borders Highway 97 on the West.

25 6. It was pointed out that properties to the East
26 and across Highway 97 were zoned C-5 (Highway Commercial) and
27 that the use was a motel and restaurant.

28 7. Testimony by the Applicant indicated that he had

1 bought property in July of 1972, which was before the approval
2 of zoning, being December 7, 1972, and therefore did not meet
3 the property development standards of the AF (Agriculture-
4 Forestry) zone.

5 8. The Applicant testified that they owned the motel
6 and restaurant to the East and that the area they had for the
7 parking of commercial trucks was inadequate and therefore the
8 need for more parking area for trucks was badly needed.

9 9. Testimony indicated that since there was already
10 commercial activities to the East, that this change of zone
11 would not generate that much traffic and also that Highway 97
12 could handle the traffic situation.

13 10. The area committee, per a letter dated June 16,
14 1977, indicated they did not object and therefore by their
15 testimony, Applicant's change of zone met Goal No. 1 of the
16 L.C.D.C. requirements.

17 11. No one testified in opposition of this particular
18 zone change and therefore the testimony the Planning Commission
19 did receive allowed them to recommend the zone change to the
20 Board of County Commissioners for approval.

21 12. Goal 3, which is the Agriculture Goal, does not
22 pertain to this change of zone, in that the land has been utilized
23 more for commercial uses and never as an agriculture site.

24 13. Goal 9 of L.C.D.C. Goals pertains to the change
25 of zone in that this change in land use would allow for the
26 appropriate development that would be consistent along Highway 97.

27 14. Goal 12 of L.C.D.C. Goals pertains to this change
28 of zone in that this land use change would allow a safe place

1 for commercial trucks to park and to utilize commercial uses
2 in the area.

3 Conclusions of Law:

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

7 2. The property affected by the proposed change of
8 zone is properly related to streets and highways to adequately
9 serve the type of traffic generated by such uses that may be
10 permitted therein.

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

14 4. That the proposed change of zone is in keeping
15 with any land use plans duly adopted and does, in effect,
16 represent the highest, best and most appropriate use of the
17 land affected.

18 5. That the proposed change of zone is in keeping
19 with land uses and improvements, trends in land development,
20 density of land development, and prospective needs for develop-
21 ment in the affected area.

22 NOW, THEREFORE, IT IS HEREBY ORDERED that the
23 application of Frank P. Walker for a change of zone from
24 AF (Agricultural-Forestry) to C-5 (Highway Commercial) on
25 certain real property described as a portion of Lot 28, located
26 in Section 3, Township 36S, Range 7E.W.M., Klamath County,
27 Oregon is hereby granted.

28 DONE AND DATED THIS 30th day of May, 1978.

11461

Nell Kuonen

Nell Kuonen
Chairman

Floyd L. Wynne

Floyd Wynne
Commissioner

Lloyd Gift

Lloyd Gift
Commissioner

1
2
3
4
5
6
7
8
9
10
11
12 APPROVED AS TO FORM:
13 Boivin, Boivin and Aspell

14 By: Robert L. Boivin
County Legal Counsel

15
16 STATE OF OREGON; COUNTY OF KLAMATH; ss.

17 Filed for record at request of Klamath County

18 the 31st day of May A. D. 1978 at 8:58 clock A. M., and

19 duly recorded in Vol. 878, of Deeds on Page 11457

20 Wm. D. MILNE, County Clerk

21 By: Barbara D. Leach

22 No Fee