

## BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

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4 IN THE MATTER OF APPLICATION)  
5 FOR COMPREHENSIVE LAND USE )  
6 PLAN MAP CHANGE FOR ZONE )  
7 CHANGE NO. 77-17, FRANK P. )  
8 WALKER )

O R D E R

9 THIS MATTER having come on for hearing upon the  
10 application of Frank P. Walker for an amendment to the Com-  
11 prehensive Land Use Plan accompanying Zone Change No. 77-17,  
12 for a change from Agricultural to General Commercial on the  
13 Comprehensive Land Use Plan map. A public hearing having been  
14 heard by the Klamath County Planning Commission on September  
15 27, 1977, wherefrom the testimony, reports and information  
16 produced at the hearing by the Applicant, members of the  
17 Planning Department Staff and other persons in attendance.  
18 The Planning Commission recommended approval to the Board of  
19 County Commissioners. Following action by the Planning  
20 Commission, a public hearing before the Board of County Com-  
21 missioners was regularly held on November 23, 1977, wherefrom  
22 the testimony, it appeared that the record below was accurate  
23 and complete and it appears from the testimony, reports and  
24 information produced at the hearing below that the application  
25 for a change of Comprehensive Land Use Plan for certain real  
26 property described as a parcel of land approximately 2½ acres  
27 in size and located on the West side of The Dallas-California  
28 Highway and more particularly described as that portion of  
Lot 28, located in Section 3, Township 36S, Range 7E.W.M.,

1 Klamath County, Oregon, should be granted.

2 The Board of County Commissioners makes the following  
3 Findings of Fact and Conclusions of Law as required by Ordinance  
4 No. 17, the Klamath County Zoning Ordinance.

5 Findings of Fact:

6 1. On September 27, 1977, before the Planning  
7 Commission, the Planning Department Staff pointed out that  
8 the site for the Comprehensive Land Use Plan change was a  
9 portion of Lot 28, and located in Section 3, Township 36S,  
10 Range 7E.W.M., Klamath County, Oregon. This finding came  
11 from Klamath County Exhibit "C", being the Assessors Map.

12 2. The Planning Department Staff also pointed out  
13 to the Planning Commission on September 27, 1977, that the  
14 parcel in question for a Comprehensive Land Use Plan change  
15 is 2½ acres in size and rectangular in shape.

16 3. On September 27, 1977, a Plot Plan, marked  
17 Klamath County Exhibit "F", was presented to the Planning  
18 Commission, indicating area of the lot to be used for parking,  
19 plus future site for a auto repair garage.

20 4. A letter from the Oregon State Highway Division,  
21 and marked Applicant's Exhibit No. 1, indicated to the Planning  
22 Commission that Applicant had access off of The Dallas-California  
23 Highway. This was per Permit No. 22402.

24 5. Testimony from the Planning Department Staff,  
25 indicated that the proposed site relates to highways in that  
26 Highway 97 borders the property to the East.

27 6. The Applicant's testimony indicated to the Planning  
28 Commission on need, that trucks had been parking on the site

1 for sometime because of the motel to the East of the proposed  
2 site.

3 7. The Applicant's testimony also indicated to the  
4 Planning Commission on September 27, 1977, on need, in that  
5 the parcel of land for the proposed change was the only area  
6 adequate for trucks to pull off and on to the highway, of  
7 which is a safe area.

8 8. The Applicant also testified to the Planning  
9 Commission that the Applicant had been paying a commercial tax  
10 on the proposed site for which the Comprehensive Land Use Plan  
11 change is requested.

12 9. Testimony by the Applicant indicated that this  
13 change of Comprehensive Land Use Plan would not have an adverse  
14 effect on abutting properties in that there was commercial  
15 zoning to the East and a railroad bordered the site to the West.

16 10. On September 27, 1977, all testimony heard before  
17 the Planning Commission was for the change of Comprehensive  
18 Land Use Plan and therefore, there were no objections from  
19 surrounding property owners.

20 11. Letters from the Chiloquin Area Committee were  
21 read into the record and marked as Applicant's Exhibit No. 3.  
22 The area committee approved the Comprehensive Land Use Plan  
23 change and stated that commercial uses along Highway 97 was  
24 one of the objectives to establish within their area. This  
25 testimony pertains to Goal No. 1 which is the Citizen Involvement  
26 Goal of L.C.D.C.

27 12. Goal 3, which is the Agriculture Goal, does not  
28 pertain to this Comprehensive Land Use Plan change, in that the

1 land use has been utilized more for commercial uses and never  
2 as a agriculture site.

3 13. Goal 9 of L.C.D.C. Goals pertains to this change  
4 in the Comprehensive Land Use Plan in that this change in land  
5 use would allow for the appropriate development that would be  
6 consistent along Highway 97.

7 14. Goal 12 of L.C.D.C. Goals pertains to this  
8 Comprehensive Land Use Plan change in that, this land use  
9 change would allow a safe place for commercial trucks to park  
10 and to utilize commercial uses in the area.

11 Conclusions of Law:

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

15 2. The property affected by the proposed Comprehen-  
16 sive Land Use Plan change is properly related to streets and  
17 highways to adequately serve the type of traffic generated  
18 by such uses that may be permitted therein.

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

23 4. That the proposed Comprehensive Land Use Plan  
24 change is in keeping with land uses and improvements, trends in  
25 land development, and prospective needs for development in the  
26 affected area.

27 5. That the proposed Comprehensive Land Use Plan  
28 change is in keeping with any land use plans duly adopted and

11466

1 does, in effect, represent the highest, best and most appropriate  
2 use of the land affected.

3 NOW, THEREFORE, IT IS HEREBY ORDERED that the  
4 application for Comprehensive Land Use Plan map change for  
5 Frank R. Walker from Agriculture to General Commercial on  
6 certain real property described as a portion of Lot 28 located  
7 in Section 3, Township 36S, Range 7E.W.M., Klamath County,  
8 Oregon, is hereby granted.

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

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Nell Kuonen  
Nell Kuonen  
Chairman

Floyd L. Wynne  
Floyd Wynne  
Commissioner

Lloyd Gift  
Lloyd Gift  
Commissioner

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

Klamath County  
on this 31st day of May A.D. 19 78  
at 8:59 o'clock A M, and duly  
recorded in Vol. 878 of Deeds  
Page 11462

APPROVED AS TO FORM:  
Boivin, Boivin and Appel

By: Whitcomb  
County Legal Counsel

Wm D. MILLER, County Clerk

By: James H. Hatch Deputy

Fee None