

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPLICATION)
FOR C.L.U.P. MAP CHANGE FOR)
ZONE CHANGE No. 77-32, BABE) O R D E R
HEIDENREICH)

THIS MATTER having come on for hearing upon the application by Babe Heidenreich for an amendment to the Comprehensive Land Use Plan accompanying Zone Change No. 77-32, for a change from Suburban Density to General Commercial on the northerly 150 feet of the subject property, where a public hearing having been heard by the Klamath County Planning Commission on January 24, 1978, wherefrom the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department Staff and other persons in attendance, the Planning Commission recommended approval of the application. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held on March 7, 1978, wherefrom the testimony, reports and information produced at the hearing below, it appeared that the record below was accurate and complete and that application for a change of Comprehensive Land Use Plan for certain real property described as Lot 29, Township 36S, Range 12 E.W.M., Section 14, Tax lot 1500 and generally located north of the Klamath Falls-Lakeview Highway and east of Godowa Springs Road, should be granted.

FINDINGS OF FACT:

1. On January 24, 1978, it was pointed out to the Planning

19716

1 Commission that the parcel size was approximately 58,410 square
2 feet in size or approximately 1.3 acres in size, but that the
3 change in the Comprehensive Land Use Plan to General Commercial
4 was for the northerly 150 feet as the remaining southerly portion,
5 per Klamath County Exhibit "E", was already General Commercial.

6 2. Testimony produced at the hearing indicated to the Plan-
7 ning Commission that the proposed site is located north of the
8 Klamath Falls-Lakeview Highway and east of Godowa Springs Road.

9 3. Testimony also indicated to the Planning Commission on
10 January 24, 1973, that the proposed site was rectangular in shape
11 and relatively flat and the vegetation was that of dry grass and
12 sagebrush.

13 4. Testimony from the applicant indicated that access would
14 be off the Klamath Falls-Lakeview Highway and the Godowa Springs
15 Road. Both roads are paved and appear to be the kind of Highways
16 and roads that can carry the quantity of traffic that would be
17 produced by the proposed use that being a Service Station, Post
18 Office and Overnight Hook-ups.

19 5. Testimony from Planning Department Staff as well as
20 applicant indicated that there were other commercial uses in the
21 area, especially to the east as well as to the south across the
22 Klamath Falls-Lakeview Highway.

23 6. Testimony produced at the hearing before the Planning
24 Commission indicated that the existing Post Office is in Beatty,
25 Oregon and had only 102 boxes and that the approximate population
26 was 350 and that there was a waiting list and therefore indicated
27 a need for such change in the Comprehensive Land Use Plan.

28 7. Testimony also indicated that the existing Service Station

1 facilities were inadequate condition and that its one driveway
2 was on the existing State right-of-way, whereas the new Service
3 Station would have a double driveway and also area for future
4 development.

5 8. Testimony indicated to the Planning Commission that the
6 trend in the area was that towards Commercial uses as indicated
7 by the applicant.

8 9. The Planning Commission received a letter from the
9 Area Committee indicating that they did not object to the change
10 and therefore LCDC Goal No. 1, Citizen Involvement was met.

11 10. With improvements to the Commercial area of Beatty,
12 Oregon, this met LCDC Goal No. 9, which is to generate employment
13 and to improve the economy of the State.

14 11. Testimony produced at the hearing, indicated that by
15 providing an area for postal services, this would pertain to
16 Goal No. 11, in that this allows development of public facilities
17 that appears to be needed in the Beatty, Oregon area.

18 CONCLUSIONS OF LAW:

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

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

26 3. The proposed Comprehensive Land Use Plan change will have
27 no adverse effect or only limited adverse effect on any property
28 or the permitted uses thereof within the affected area.

19718

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

5 5. That the proposed Comprehensive Land Use Plan change is
6 in keeping with land uses and improvements, trends in land develop-
7 ment in the affected area.

8 NOW, THEREFORE IT IS HEREBY ORDERED that the application for
9 Comprehensive Land Use Plan change for Babe Heidenreich from
10 Suburban Density to General Commercial on the northerly 150 feet
11 proposed site, being described as Lot 29, Township 36S, Range 12
12 E.W.M., Section 14, Tax Lot 1500 is hereby granted.

13 DONE AND DATED THIS 31st day of August, 1978.

14
15 *Neil Kuonen*
16 Neil Kuonen
17 Chairman

18
19 *Floyd Wynne*
20 Floyd Wynne
21 Commissioner

22 *Lloyd Gift*
23 Lloyd Gift
24 Commissioner

25
26
27 *Commissioners Journal*

28 APPROVED AS TO FORM:
Boivin, Boivin and Aspell
By: *Boivin, Boivin and Aspell*
Legal Counsel

ORDER No. 77-12

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
September A.D., 1978 at 9:35 o'clock A.M., and duly recorded in Vol. H28,
of Deeds, on Page 19715.

FEE None

WM. D. MILNE, County Clerk

By: *Barbara Chetich*

Deputy