

1 BOARD OF COUNTY COMMISSIONERS

2 KLAMATH COUNTY, OREGON

3 IN THE MATTER OF THE APPLICATION)
 4 FOR COMPREHENSIVE LAND USE PLAN)
 5 CHANGE AND ZONE CHANGE 78-16 FOR) O R D E R
 VICKIE L. SMITH)

6 THIS MATTER having come on for hearing upon the applica-
 7 tion of Vickie L. Smith for a Comprehensive Land Use Plan change
 8 from Urban Density to General Commercial and a Zone Change from
 9 RA (Residential Agriculture) to C-2 (Commercial Community), by
 10 the Klamath County Planning Commission, on real property de-
 11 scribed as Township 39, Range 9, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, Lot 21.
 12 Public hearings having been heard by the Klamath County Planning
 13 Commission on August 1, 1978, wherefrom the testimony, reports
 14 and information produced at the hearing by the Applicant, members
 15 of the Planning Department Staff and other persons in attendance,
 16 the Planning Commission recommended approval to the Board of
 17 County Commissioners. Following action by the Planning Commis-
 18 sion, a public hearing before the Board of County Commissioners
 19 was regularly held on September 26, 197, wherefrom the testimony
 20 at said hearing it appeared that the record below was accurate
 21 and complete and it appears from the testimony, reports and ex-
 22 hibits introduced at the hearing before the Planning Commission
 23 that the application for a change of Comprehensive Land Use Plan
 24 and Zone Change for the subject property should be granted.

25 The Board of County Commissioners makes the following
 26 Findings of Fact and Conclusions of Law as required by Ordinance
 27 No. 17, the Klamath County Zoning Ordinance.

28 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

73 JUN 2 AM 8 45

1 1. The Board of County Commissioners found proposed
2 site for change in comprehensive land use plan and zone change
3 to be adequate in size, that being approximately 23,000 square
4 feet.

5 2. The Board of County Commissioners found site had
6 access onto Western Avenue, which is a paved County road and ap-
7 pears to be able to carry the kind of traffic that would be
8 produced from proposed use.

9 3. The Board of County Commissioners found that loca-
10 tion of proposed use, that being a fix-it shop, would not have
11 an adverse effect on abutting properties as site is in a com-
12 mercial area.

13 4. The Board of County Commissioners found proposed
14 use fit in with other uses in area and appeared to be the trend
15 of the area, that being commercial uses.

16 5. Testimony before the Board of County Commissioners
17 indicated there was a need for such use in that this type of
18 use was the only shop that put in sunroofs.

19 6. The Board of County Commissioners found that
20 property owners within 250 feet had been notified and that
21 letters were introduced indicating three adjacent property owners
22 did not object to the comprehensive land use plan and zone change
23 thus addressing LCDC Goal No. 1, Citizen Involvement.

24 7. The Board of County Commissioners found Applicant
25 had water from well on site and that Applicant had a septic tank
26 on site, thus addressing LCDC Goal No. 6, Air, Water, Land
27 Resources.

28 8. The Board of County Commissioners found that this

1 type of change would provide a needed service to the area which
2 would help the economy, thus addressing LCDC Goal No. 9, Economy
3 of the State.

4 9. The Board of County Commissioners found that this
5 site has electricity, telephone facilities, thus addressing LCDC
6 Goal No. 11, Public Facilities and Services.

7 10. The Board of County Commissioners found that Western
8 Avenue, being a paved County road, allowed transportation to and
9 from site, thus addressing LCDC Goal No. 12, Transportation.

10 11. The Board of County Commissioners found site appears
11 to be within any urban growth boundary that would be established
12 at a later point in time after all land use studies have been
13 completed.

14 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
15 CHANGE:

16 1. The property affected by the change of comprehensive
17 land use plan is adequate in size and shape to facilitate those
18 uses normally allowed in conjunction with such zoning;

19 2. The property affected by the proposed change of
20 comprehensive land use plan is properly related to streets and
21 highways to adequately serve the type of traffic generated by
22 such uses that may be permitted therein;

23 3. The proposed change of comprehensive land use plan
24 will have no adverse effect or only limited adverse effect on
25 any property or the permitted uses thereof within the affected
26 area.

27 4. That the proposed change of comprehensive land use
28 plan is in keeping with land uses and improvements, trends in

1 land development, density of land development and prospective
2 needs for development in the affected area.

3 5. That the proposed change of comprehensive land use
4 plan is in keeping with any land use plans duly adopted and does,
5 in effect, represent the highest, best and most appropriate use
6 of the land affected.

7 FINDINGS OF FACT FOR ZONE CHANGE:

8 1. The Board of County Commissioners found proposed
9 site for change in comprehensive land use plan and zone change
10 to be adequate in size, that being approximately 23,000 square
11 feet.

12 2. The Board of County Commissioners found site had
13 access onto Western Avenue, which is a paved County road and
14 appears to be able to carry the kind of traffic that would be
15 produced from proposed use.

16 3. The Board of County Commissioners found that loca-
17 tion of proposed use, that being a fix-it shop, would not have
18 an adverse effect on abutting properties as site is in a
19 commercial area.

20 4. The Board of County Commissioners found proposed
21 use fits in with other uses in area and appeared to be the trend
22 of the area, that being commercial uses.

23 5. Testimony before the Board of County Commissioners
24 indicated there was a need for such use in that this type of
25 use was the only shop that put in sunroofs.

26 6. The Board of County Commissioners found that
27 property owners within 250 feet had been notified and that
28 letters were introduced indicating three adjacent property owners

1 did not object to the comprehensive land use plan and zone
2 change thus addressing LCDC Goal No. 1, Citizen Involvement.

3 7. The Board of County Commissioners found Applicant
4 had water from well on site and that Applicant had a septic tank
5 on site, thus addressing LCDC Goal No. 6, Air, Water, Land
6 Resources.

7 8. The Board of County Commissioners found that this
8 type of change would provide a needed service to the area which
9 would help the economy, thus addressing LCDC Goal No. 9, Economy
10 of the State.

11 9. The Board of County Commissioners found that this
12 site has electricity, telephone facilities, thus addressing LCDC
13 Goal No. 11, Public Facilities and Services.

14 10. The Board of County Commissioners found that Western
15 Avenue, being a paved County road, allowed transportation to and
16 from site, thus addressing LCDC Goal No. 12, Transportation.

17 11. The Board of County Commissioners found site appears
18 to be within any urban growth boundary that would be established
19 at a later point in time after all land use studies have been
20 completed.

21 CONCLUSIONS OF LAW FOR ZONE CHANGE:

22 1. The property affected by the change of zone is
23 adequate in size and shape to facilitate those uses normally
24 allowed in conjunction with such zoning;

25 2. The property affected by the proposed change of
26 zone is properly related to streets and highways to adequately
27 serve the type of traffic generated by such uses that may be
28 permitted therein;

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

4. That the proposed change of zone is in keeping with land uses and improvements, trends in land development, density of land development and prospective needs for development in the affected area.

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

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Urban Density to General Commercial and Zone Change from RA (Residential Agriculture) to C-2 (Commercial Community) for Vickie Smith on the subject property is hereby granted.

DONE AND DATED THIS 29 DAY OF December 1978.

Neil Kuonen
Chairman

Harold L. Kipure
Member

Lloyd Giff
Member

STATE OF OREGON,
County of Klamath
and for record ~~XXXXXXXXXX~~

APPROVED AS TO FORM:
Boivin, Boivin & Aspell

By: *Robert L. Aspell*

on this 3rd day of JANUARY A.D. 1979
at 8:45 o'clock A.M. and duly
recorded in Vol. M-72 of DEEDS

Page 133
Wm D. MILNE, County Clerk

By *Jacqueline H. Milne* Deputy

Fee none