

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 78-19 FOR) O R D E R
6 EDWARD MEDINA)

7 THIS MATTER having come on for hearing upon the applica-
8 tion of Edward Medina for a Comprehensive Land Use Plan change
9 from Urban Density to Commercial General and a Zone Change from
10 RD 5000 (Single Family Residence) to C-5 (Commercial Highway),
11 by the Klamath County Planning Commission, on real property
12 described as Township 39, Range 9, Section 1, Tax Lot 3900.
13 Public hearings having been heard by the Klamath County Planning
14 Commission on July 25, 1978, wherefrom the testimony, reports,
15 and information produced at the hearing by the Applicant, members
16 of the Planning Department Staff and other persons in attendance,
17 the Planning Commission recommended approval to the Board of
18 County Commissioner. Following action by the Planning Commission
19 a public hearing before the Board of County Commissioners was
20 regularly held on September 5, 1978, wherefrom the testimony at
21 said hearing it appeared that the record below was accurate and
22 complete and it appears from the testimony, reports and exhibits
23 introduced at the hearing before the Planning Commission that the
24 application for a change of Comprehensive Land Use Plan and Zone
25 Change for the subject property should be granted.

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

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

1
2 1. The Board of County Commissioners found the ap-
3 plicant wishes to enlarge his motel to make it a profitable
4 operation. From the present 11 units, he plans to add approxi-
5 mately 30.

6 2. The Board of County Commissioners found Applicant
7 needs to change the zoning on the parcel immediately adjacent to
8 the north to achieve his goal.

9 3. The Board of County Commissioners found the sur-
10 rounding property along both sides of South 6th Street is already
11 commercial.

12 4. The Board of County Commissioners found there are
13 three other motels in the immediate area.

14 5. The Board of County Commissioners found the property
15 is with and adjoins a commercially zoned lot.

16 6. The Board of County Commissioners found the property
17 is properly related to streets and highways to serve the type of
18 traffic generated.

19 7. The Board of County Commissioners found the pro-
20 posed Comprehensive Land Use Plan change will have limited ad-
21 verse effect on property in the affected area.

22 8. The Board of County Commissioners found the pro-
23 posed change is in keeping with land uses and improvements in
24 the area.

25 9. The Board of County Commissioners found LCDC Goal
26 No. 1, Citizen Involvement, was addressed in that the area com-
27 mittee had an opportunity to review it; notification was given
28 to surrounding property owners within 250 feet.

10. The Board of County Commissioners found LCDC Goal

1 No. 6 pertains in that the Applicant has checked with the South
2 Suburban Sanitary District for sanitary facilities.

3 11. The Board of County Commissioners found LCDC Goal
4 No. 9, Economy of the State, pertains in that his present motel
5 is always full and not an economic unit; he needs to expand.

6 12. The Board of County Commissioners found the trend
7 in the area is toward commercial.

8 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
9 CHANGE:

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

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

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

20 4. The proposed Comprehensive Land Use Plan change is
21 in keeping with land uses and improvements, trends in land de-
22 velopment, density and prospective needs for development in the
23 affected area.

24 5. The proposed Comprehensive Land Use Plan change
25 represents the highest, best and most appropriate use of the
26 land affected.

27 FINDINGS OF FACT FOR ZONE CHANGE:

28 1. The Board of County Commissioners found the

1 property is adequate in size and shape for the proposed use when
2 joined by the commercial lot; it does need a variance.

3 2. The Board of County Commissioners found there is
4 adequate access off South 6th Street and Madison Street. Access
5 has the approval of the State Highway Department and the County.

6 3. The Board of County Commissioners found the trend in
7 the area is toward commercial use.

8 4. The Board of County Commissioners found there are
9 three other motels in the immediate area.

10 5. The Board of County Commissioners found that the
11 11 units that are there now are currently filled to capacity.

12 6. The Board of County Commissioners found that ad-
13 joining property owners oppose this, but the zone change will not
14 change the use, will not permit anything that is not already per-
15 mitted.

16 7. The Board of County Commissioners found LCDC Goal
17 No. 1, Citizen Involvement, was addressed in that the area com-
18 mittee had an opportunity to review it; notification was given
19 to surrounding property owners within 250 feet.

20 8. The Board of County Commissioners found LCDC Goal
21 No. 6 pertains in that the Applicant has checked with the South
22 Suburban Sanitary District for sanitary facilities.

23 9. The Board of County Commissioners found LCDC Goal
24 No. 9, Economy of the State, pertains in that his present motel
25 is always full and not an economic unit; he needs to expand.

26 10. The Board of County Commissioners found the trend
27 in the area is toward commercial.

28 CONCLUSIONS OF LAW FOR ZONE CHANGE:

1 1. The property affected by the change of zone is
2 adequate in size and shape to facilitate those uses normally al-
3 lowed in conjunction with such zoning.

4 2. The property affected by the proposed change of
5 zone is properly related to streets and highways to adequately
6 serve the type of traffic generated by such uses tha may be per-
7 mitted therein.

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

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

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

18 NOW, THEREFORE, it is hereby ordered that the applica-
19 tion for the Comprehensive Land Use Plan change from Urban Den-
20 sity to Commercial General and Zone Change from RD 5000 (Single
21 Family Residence) to C-5 (Cömercial Highway) for Edward Medina
22 on the subject property is hereby granted.

23 DONE AND DATED THIS 29 DAY OF December 19 78.

24
25 Walter J. Brown Edward L. Medina Robert J. [unclear]
26 Chairman Member Member

27 APPROVED AS TO FORM:
Boivin Boivin & Aspell

28 By: Walter J. Brown STATE OF OREGON; COUNTY OF KLANATH; BEING

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Filed for record ~~XXXXXXXXXX~~

this 3rd day of January 1979

only recorded in Vol. 1172, of DEEDS

NO FEE

BY Walter J. Brown Edward L. Medina