

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE 78-26 FOR) O R D E R
TIDWELL EXCAVATING)

THIS MATTER having come on for hearing upon the application of Tidwell Excavating for a Comprehensive Land Use Plan change from Urban Density to Light Industrial and a zone change from RA (Residential Agriculture) to M-1 (Light Manufacturing) by the Klamath County Planning Commission, on real property described as Township 39, Range 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2. Public hearings having been heard by the Klamath County Planning Commission on August 15, 1978, 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 October 17, 1978, wherefrom the testimony at said hearing it appeared that the record below was accurate and complete and it appears from the testimony, reports and exhibits introduced at the hearing before the Planning Commission that the application for a change of Comprehensive Land Use Plan and zone change for the subject property should be granted.

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

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1 1. The Board of County Commissioners found shape of
2 property to be adequate in that the Comprehensive Land Use Plan
3 change and zone change met the Property Development Standards.

4 2. The Board of County Commissioners found that there
5 were other commercial areas to the north and abutting site and
6 therefore no adverse effect on surrounding properties.

7 3. The Board of County Commissioners found that there
8 were other commercial uses in area as well as manufacturing and
9 therefore appeared to be the trend.

10 4. The Board of County Commissioners found that sur-
11 rounding property owners had been notified of such hearing in
12 order to testify at hearings, thus addressing LCDC Goal No. 1.

13 5. The Board of County Commissioners found that the
14 proposed use was in conformance with commercial zoned lands on
15 those lands that abut site to the north, thus addressing LCDC
16 Goal No. 2, Land Use Planning.

17 6. The Board of County Commissioners found that pro-
18 posed use, that being maintenance of telephone lines, would
19 encourage more employment, thus addressing the LCDC Goal No. 9,
20 Economy of the State.

21 7. The Board of County Commissioners found that pro-
22 posed use, maintenance of telephone lines, would keep public
23 facilities such as telephone services in operation, thus ad-
24 dressing LCDC Goal No. 11, Public Facilities & Services.

25 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
26 CHANGE:

27 1. The property affected by the change of comprehen-
28 sive land use plan is adequate in size and shape to facilitate

1 those uses normally allowed in conjunction with such zoning;

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

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

9 4. That the proposed change of comprehensive land use
10 plan is in keeping with land uses and improvements, trends in
11 land development, density of land development and prospective
12 needs for development in the affected area.

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

17 FINDINGS OF FACT FOR ZONE CHANGE:

18 1. The Board of County Commissioners found shape of
19 property to be adequate in that the Comprehensive Land Use Plan
20 change and zone change met the Property Development Standards.

21 2. The Board of County Commissioners found that there
22 were other commercial areas to the north abutting site and
23 therefore no adverse effect on surrounding properties.

24 3. The Board of County Commissioners found that there
25 were other commercial uses in area as well as manufacturing and
26 therefore appeared to be the trend.

27 4. The Board of County Commissioners found that sur-
28 rounding property owners had been notified of such hearing in

1 order to testify at hearings, thus addressing LCDC Goal No. 1.

2 5. The Board of County Commissioners found that the
3 proposed use was in conformance with commercial zoned lands on
4 those lands that abut site to the north, thus addressing LCDC
5 Goal No. 2, Land Use Planning.

6 6. The Board of County Commissioners found that pro-
7 posed use, that being maintenance of telephone lines, would
8 encourage more employment, thus addressing the LCDC Goal No. 9,
9 Economy of the State.

10 7. The Board of County Commissioners found that pro-
11 posed use, maintenance of telephone lines, would keep public
12 facilities such as telephone services in operation, thus ad-
13 dressing LCDC Goal No. 11, Public Facilities & Services.

14 CONCLUSIONS OF LAW FOR ZONE CHANGE:

15 1. The property affected by the change of zone is ade-
16 quate in size and shape to facilitate those uses normally allowed
17 in conjunction with such zoning;

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

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

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

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

4 NOW, THEREFORE, it is hereby ordered that the applica-
 5 tion for the Comprehensive Land Use Plan change from Urban
 6 Density to Light Industrial and Zone Change from RA (Residential
 7 Agriculture) to M-1 (Light Manufacturing) for Tidwell Excavating
 8 on the subject property is hereby granted.

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

10 W. H. Kuo
 11 Chairman

12 Harold L. Wynne
 13 Member

14 Frank J. Pitt
 15 Member

16
 17 APPROVED AS TO FORM:
 18 Boivin, Boivin & Aspell

19 By: Robert Kuo

20 STATE OF OREGON; COUNTY OF KLAMATH; ss.

21 filed for record ~~at the county clerk's office~~

22 this 3rd day of January A. D. 1979 at 8:45 o'clock P.M. or

23 duly recorded in Vol. M79 of M795 on Page 176

24 NO FEE

25 W. D. MILNE, County Clerk

26 By: Jacqueline J. Milne