

61796

BOARD OF COUNTY COMMISSIONERS

Vol. 79 Page 2348

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE No. 78-47,)
A.E. WAMPLER)

O R D E R

THIS MATTER having come on for hearing upon the application for A.E. Wampler for a Comprehensive Land Use Plan change from Forestry to General Commercial and a Zone Change from AF (Agricultural-Forestry) to C-5 (Commercial Highway), by the Klamath County Planning Commission, on real property described as Township 36S, Range 6 EWM, Section 16, Tax Lot 100. Public hearings having been heard by the Klamath County Planning Commission on October 24, 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 December 7, 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:

RECEIVED 9:00 AM

JAN 29 1979

- 1 1. The Board of Commissioners found site for change of
2 Comprehensive Land Use Plan and Zone to be located north side of
3 Highway 140 and approximately 1 mile westerly of West Side Road.
- 4 2. The Board of Commissioners found site for Comprehen-
5 sive Land Use Plan and Zone Change to have access for proposed
6 use off of Highway 140.
- 7 3. The Board of Commissioners found Highway 140, being
8 a State Highway, and paved, could carry the kind of traffic that
9 would be generated from proposed use, that being a motel, truck
10 stop, a restaurant, a market, plus small business stores.
- 11 4. The Board of Commissioners found site to be approx-
12 imately 38.5 acres in size which could accommodate said uses
13 as applicant testified to.
- 14 5. The Board of Commissioners found proposed site for
15 change of Comprehensive Land Use Plan and Zone had been unanimous-
16 ly recommended for approval by the Rocky Point Area Committee,
17 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.
- 18 6. The Board of Commissioners found site for Comprehen-
19 sive Land Use Plan and Zone Change to commercial use not to be a
20 economical farming unit, thus addressing L.C.D.C. Goal No. 3,
21 Agriculture.
- 22 7. The Board of Commissioners found site for change in
23 Comprehensive Land Use Plan and Zone to be barren of trees for
24 forest use from a commercial standpoint.
- 25 8. The Board of Commissioners found site for change in
26 Comprehensive Land Use Plan and Zone would have their own central
27 water system and also sewage system, thus addressing L.C.D.C.
28 Goal No. 6, Water and Land Resources.

1 9. The Board of Commissioners found per testimony,
2 that site for change in Comprehensive Land Use Plan and Zone
3 that proposed use would provide a need for the recreational uses
4 that are within the area, such as skiing, hiking, snowmobiling,
5 and also any tourist traveling through the area, thus addressing
6 L.C.D.C. Goal No. 8, Recreational.

7 10. The Board of Commissioners found that proposed uses
8 those being a Truck Stop, Motel, Restaurant, a Market and small
9 business stores, would provide economy to the area, of which is
10 a need since the uses spelled out by applicant would be the only
11 uses between Klamath Falls and Medford, thus addressing L.C.D.C.
12 Goal No. 9, Economy of the State.

13 11. The Board of Commissioners found that per testimony
14 from applicant that there will be water, and a sewer system and
15 also that the proposed site was within the Harriman Fire District,
16 thus addressing L.C.D.C. Goal No. 11, Public Facilities and
17 Services.

18 12. The Board of Commissioners found Highway 140,
19 being a State Highway, allows transportation to and from site and
20 also per testimony, Highway 140 appeared to be the type of High-
21 way that could handle the type of traffic that would be generated
22 from proposed use.

23 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
24 CHANGE:

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

28 2. The property affected by the proposed Comprehensive

1 Land Use Plan change is properly related to streets and highways
2 to adequately serve the type of traffic generated by such uses
3 that may be permitted therein.

4 3. The proposed Comprehensive Land Use Plan change
5 will have no adverse effect or only limited adverse effect on
6 any property or the permitted uses thereof within the affected
7 area.

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

12 5. That the proposed Comprehensive Land Use Plan
13 change is in keeping with land uses and improvements, trends in
14 land development, density of land development, and prospective
15 needs for development in the affected area.

16 FINDINGS OF FACT FOR ZONE CHANGE:

17 1. The Board of Commissioners found site for change of
18 zone to be located north side of Highway 140 and approximately 1
19 mile westerly of West Side Road.

20 2. The Board of Commissioners found site for change of
21 zone to have access for proposed use off of Highway 140.

22 3. The Board of Commissioners found Highway 140, being
23 a State Highway and paved, could carry the kind of traffic that
24 would be generated from proposed use, that being a motel, truck
25 stop, a restaurant, a market, plus small business stores.

26 4. The Board of Commissioners found site to be approx-
27 imately 38.5 acres in size which could accommodate said uses
28 as applicant testified to.

1 5. The Board of Commissioners found proposed site for
2 change of zone had been unanimously recommended for approval
3 by the Rocky Point Area Committee, thus addressing L.C.D.C. Goal
4 No. 1, Citizen Involvement.

5 6. The Board of Commissioners found site for zone
6 change to commercial use not to be a economical farming unit,
7 thus addressing L.C.D.C. Goal No. 3, Agriculture.

8 7. The Board of Commissioners found site for change of
9 zone to be barren of trees for forest use from a commercial
10 standpoint.

11 8. The Board of Commissioners found site for change in
12 zone would have their own central water system and also sewage
13 system, thus addressing L.C.D.C. Goal No. 6, Water and Land
14 Resources.

15 9. The Board of Commissioners found per testimony,
16 that site for change in zone that proposed use would provide a
17 need for the recreational uses that are within the area, such
18 as skiing, hiking, snowmobiling, and also any tourist traveling
19 through the area, thus addressing L.C.D.C. Goal No. 8, Recreational.

20 10. The Board of Commissioners found that proposed
21 uses those being a Truck Stop, Motel, Restaurant, a Market and
22 small business stores, would provide economy to the area, of which
23 is a need since the uses spelled out by applicant would be the
24 only uses between Klamath Falls and Medford, thus addressing
25 L.C.D.C. Goal No. 9, Economy of the State.

26 11. The Board of Commissioners found that per testimony,
27 from applicant that there will be water, and a sewer system and
28 also that the proposed site was within the Harriman Fire District,

1 thus addressing L.C.D.C. Goal No. 11, Public Facilities and
2 Services.

3 12. The Board of Commissioners found Highway 140,
4 being a State Highway, allows transportation to and from site and
5 also per testimony, Highway 140 appeared to be the type of High-
6 way that could handle the type of traffic that would be generated
7 from proposed use.

8 CONCLUSIONS OF LAW FOR ZONE CHANGE:

9 1. The property affected by the change of zone is
10 adequate in size and shape to facilitate those uses normally
11 allowed in conjunction with such zoning.

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

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

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

23 5. That the proposed change of zone is in keeping
24 with land use and improvements, trends in land development,
25 density of land development, and prospective needs for development
26 in the affected area.

27 NOW, THEREFORE, it is hereby ordered that the appli-
28 cation for the Comprehensive Land Use Plan Change from Forestry

2354

1 to General Commercial and a Zone Change from AF (Agricultural-
 2 Forestry) to C-5 (Commercial Highway) for A.E. Wampler on the
 3 subject property, is hereby granted.

4 DONE AND DATED THIS 24 DAY OF January, 1979.

5
 6
 7 *Floyd L. Wynne*
 8 CHAIRMAN OF THE BOARD

9
 10 *Oliver A. Cheyne*
 11 COUNTY COMMISSIONER

12
 13 *Neil Kroonen*
 14 COUNTY COMMISSIONER

15 APPROVED AS TO FORM:
 16 Boivin, Boivin & Aspell

17 By: *Robert D. Brown*

18
 19
 20 STATE OF OREGON; COUNTY OF KLAMATH; ss

21 filed for record at request of Klamath County

22 this 29th day of January A. D. 1979 at 9:08 clock A.M., and

23 duly recorded in Vol. M79, of Deeds on Page 2348

24 Wm D. MILNE, County Clerk

25 By: *Bernetha J. Hellock*

26 Commissioner's Journal No Fee