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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE No. 78-45,)
BY LESLIE E. MOORE)

O R R D E R

THIS MATTER having come on for hearing upon the appli-
cation of Leslie E. Moore for a Comprehensive Land Use Plan Change
from Urban Density to General Commercial and a Zone Change from
RA (Residential-Agricultural) to CM (Commercial Manufacturing),
by the Klamath County Planning Commission, on real property
described as Township 39S, Range 9 EWM, Section 1, Tax Lot 4800.
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 others persons in attendance,
the Planning Commission recommended disapproval 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 appeared 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 denied.

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:

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1. The Board of Commissioners found per testimony that site for change of Comprehensive Land Use Plan had inadequate access for commercial uses, as use for access is for residential.

2. The Board of Commissioners found that site for change in Comprehensive Land Use Plan was in a residential area and therefore the trend is not for commercial uses.

3. The Board of Commissioners found site to be inadequate in size and shape for proposed use, that being mini-warehouses.

4. The Board of Commissioners found that the proposed change in Comprehensive Land Use Plan and Zone would create spot zoning within a residential area.

5. The Board of Commissioners found, per testimony, from applicant that he did not look for other suitable property that may be zoned for proposed use.

6. The Board of Commissioners found that surrounding property owners had been notified of such change and these property owners objected to change, thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

7. The Board of Commissioners found that Comprehensive Land Use Plan was for urban density of which land was being utilized as, thus addressing L.C.D.C. Goal No. 2, Land Use Planning.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
CHANGE:

1. The property affected by the change of Comprehensive

1 Land Use Plan is not adequate in size and shape to facilitate
2 those uses normally allowed in conjunction with such zoning.

3 2. The property affected by the proposed change of
4 Comprehensive Land Use Plan is not properly related to streets and
5 highways to adequately serve the type of traffic generated by
6 such uses that may be permitted therein.

7 3. The proposed change of Comprehensive Land Use Plan
8 will have adverse effect or only limited adverse effect on any
9 property or the permitted uses thereof within the affected area.

10 4. The proposed change of Comprehensive Land Use Plan
11 is not in keeping with land uses and improvements, trends in land
12 development, density of land development, and prospective needs
13 for development in the affected area.

14 5. That the proposed change of Comprehensive Land Use
15 Plan is not in keeping with land use plans duly adopted and doesn't
16 in effect, represent the highest, best and most appropriate use
17 of the land affected.

18 FINDINGS OF FACT FOR ZONE CHANGE:

19 1. The Board of Commissioners found per testimony that
20 site for change of zone had inadequate access for commercial uses,
21 as use for access is for residential.

22 2. The Board of Commissioners found that site for change
23 in zone was in a residential area and therefore the trend is not
24 for commercial uses.

25 3. The Board of Commissioners found site to be inadequate
26 in size and shape for proposed use, that being mini-warehouses.

27 4. The Board of Commissioners found that the proposed
28 change in zone would be creating spot zoning within a residential

1 area.

2 5. The Board of Commissioners found, per testimony,
3 from applicant that he did not look for other suitable property
4 that may be zoned for proposed use.

5 6. The Board of Commissioners found that surrounding
6 property owners had been notified of such change in zone and
7 these property owners objected to change, thus addressing L.C.D.C.
8 Goal No. 1, Citizen Involvement.

9 7. The Board of Commissioners found that change of
10 zone for urban density of which land was being utilized as, thus
11 addressing L.C.D.C. Goal No. 2, Land Use Planning.

12 COMPREHENSIVE LAND USE PLAN FOR ZONE CHANGE:

13 1. The property affected by the change of zone is not
14 adequate in size and shape to facilitate those uses normally
15 allowed in conjunction with such zoning.

16 2. The property affected by the proposed change of
17 zone is not properly related to streets and highways to adequately
18 serve the type of traffic generated by such uses that may be
19 permitted therein.

20 3. The proposed change of zone will have adverse
21 effect or only limited adverse effect on any property or the
22 permitted uses thereof within the affected area.

23 4. The proposed change of zone is not in keeping
24 with land uses and improvements, trends in land development,
25 density of land development, and prospective needs for develop-
26 ment in the affected area.

27 5. That the proposed change of zone is not in keeping
28 with land use plans duly adopted and doesn't 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 a Zone Change from RA (Residential-Agricultural) to CM (Commercial Manufacturing) for Leslie E. Moore on the subject property, is hereby denied.

DONE AND DATED THIS 24 DAY OF January, 1979

Kay L. Wayne
CHAIRMAN OF THE BOARD

Alvin A. Payne
COUNTY COMMISSIONER

Russ K. Krumm
COUNTY COMMISSIONER

APPROVED AS TO FORM:
Boivin, Boivin & Aspell

By: *Robert D. Krumm*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County

this 29th day of January A. D. 19 79 at 9:00 o'clock AM., an
uly recorded in Vol. N79, of Deeds on Page 2369

Wm. D. MILNE, County Clerk

By: *Sumetha Schelsch*

No Fee