

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR A ZONE CHANGE No. 76-6, BY)
LLOYD JENSEN)

O R D E R

THIS MATTER having come on for hearing upon the application of Lloyd Jensen for a Zone Change from C-5 (Commercial Highway) to CP (Communitive Administrative Professional), by the Klamath County Planning Commission, on real property described as Township 39S, Range 9 EWM, Section 2, Tax Lot 7100. Public hearings having been heard by the Klamath County Planning Commission on May 13, 1976, 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 June 22, 1976, 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 zone 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:

1. The Board of Commissioners found proposed site to be north of South Sixth Street and approximately 500 feet west of

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1 Homedale Road.

2 2. The Board of Commissioners found proposed site to
3 be approximately 37,260 square feet in size and therefore meeting
4 the property development standards of the CP Zone.

5 3. The Board of Commissioners found that proposed site
6 for change of zone had access onto South Sixth Street of which
7 street is paved and can carry the kind of traffic that will be
8 generated by proposed use, that being a Bank.

9 4. The Board of Commissioners found proposed use that
10 being a bank, would not have an adverse effect on abutting pro-
11 perties as uses to the west and east were commercial type uses.

12 5. The Board of Commissioners found that the existing
13 zone being C-5 (Commercial Highway) does not allow the use of a
14 Bank. The change to CP (Commercial Administrative Professional)
15 zone does allow banking, which is still a commercial zone.

16 6. The Board of Commissioners found that the adjacent
17 property owners had been notified of all scheduled hearings and
18 per record no one gave adverse testimony to the proposed change,
19 thus addressing L.C.D.C. Goal No. 1, Citizen Involvement.

20 7. The Board of Commissioners found that the existing
21 Comprehensive Land Use Plan indicated the proposed site for change
22 in zone was in conformance, that being Commercial General, thus
23 addressing L.C.D.C. Goal No. 2, Land Use Planning.

24 8. The Board of Commissioners found that the banking
25 facility would increase the economy of the area, thus addressing
26 L.C.D.C. Goal No. 9, Economy of the State.

27 9. The Board of Commissioners found site had water
28 facilities to site as well as sanitary service and electricity

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

3 10. The Board of Commissioners found site to be within
4 any urban growth boundary lines that may be established at a later
5 date in time when all land use studies have been completed.

6 CONCLUSIONS OF LAW:

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

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

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

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

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

24 NOW, THEREFORE, it is hereby ordered that the application
25 for a Zone Change from C-5 (Commercial Highway) to CP (Commercial
26 Administrative Professional) for Lloyd Jensen, on the subject
27 property is hereby granted.

28 DONE AND DATED THIS 2nd DAY OF February, 1979.

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Harold L. Wynne
CHAIRMAN OF THE BOARD

Alvin A. Cheyne
COUNTY COMMISSIONER

Loce B. Quinn
COUNTY COMMISSIONER

APPROVED AS TO FORM
Boivin, Boivin & Aspell

By: *Loce B. Quinn*
COUNTY LEGAL COUNSEL

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ZONE CHANGE 76-6

Lloyd Jensen and Clyde Thompson

(7" on tape 6)

Acting Chm. Bury opened the hearing on Zone Change 76-6 for Lloyd Jensen and asked Mr. Shuck to present the staff report.

Mr. Shuck passed out copies of motions for approval and disapproval of the requested zone change. He submitted for the Planning Commission's approval Klamath County Exhibit A, the staff report; Klamath County Exhibit B, photographs showing the subject property is vacant; Klamath County Exhibit C, the Assessor's map; Klamath County Exhibit D, the Zoning map; and Klamath County Exhibit E, the Comprehensive Land Use Plan map.

Mr. Shuck stated that the applicants, Lloyd Jensen and Clyde Thompson requested a zone change from C-5 (Commercial Highway) to CP (Commercial Professional), and they wish to build a bank on approximately 37,260 square feet. The subject parcel is Tax Lot 7100 of Section 2, Township 39, Range 9, and north of South Sixth Street. The lot is relatively flat and butts up against Interprise Irrigation District to the south. Property to the west is a trailer sales, to the east is Grizzley bear Pizza, to the south is Sambo's Restaurant and north of the subject property is basically residential.

Mr. Shuck stated there would be no change on the Comprehensive Land Use Plan map as it is already shown as Commercial General. The water would be with Oregon Water Corporation and sewer with South Suburban Sanitary District. Access would be off of South Sixth Street. The applicant is asking for only a zone change to CP which allows for banks and financial institutions. There are no lot area provisions in the CP zone and not lot dimensions. There are yard setbacks to adhere to under Section 61.005 (page 99) of Ordinance 17. The Commission may want to ask about a plot plan showing parking, possible fencing, site and setbacks. He stated that concluded the staff report.

Mr. Shuck read a letter dated May 6, 1976, in which Larry Kurtsman stated that the proposed bank building would be an asset to Klamath Falls and his business located on South Sixth Street. (Complete copy of the letter may be seen in the subject file in the Klamath County Planning Department.)

Lloyd Jensen, 4816 Highway 39

(12" on tape 6)

Mr. Jensen stated they had no plot plan at this time.

Mr. Aspell asked if Mr. Jensen was the owner of the subject property. Mr. Jensen stated he was the property owner and president of the proposed South Valley State Bank. He stated that they had approval from the State and the bank was incorporated and he was one of the incorporators.

Mr. Aspell asked what was located to the left and right of the subject property.

Mr. Jensen stated that a trailer sales was located to the left and the Grizzly Bear Pizza Parlor to the right of the subject property.

Mr. Aspell asked if the property was currently zoned C-5. Mr. Jensen stated that was correct and he was requesting that it be changed to CP.

Mr. Aspell asked if off-street parking would be provided and Mr. Jensen stated that it would.

Mr. Aspell asked if applicants had drawn up any plans or blue prints for the proposed bank and Mr. Jensen stated that they had not.

Mr. Aspell asked if applicants would follow all the required property setbacks and Mr. Jensen stated that they would.

Mr. Aspell asked if there were any other lots in the area which were currently zoned CP. Mr. Jensen knew of none and Mr. Shuck knew of none.

Mr. Aspell stated he had no further questions.

Mr. Jensen stated that the reasons for selecting the subject property for the location of the proposed bank was that the downtown area was becoming congested and some banks had poor access and egress. He felt they could receive more business if they had an easy access and engress to the bank. The customers would be predominately individual household accounts. They would have adequate space and easy access.

Acting Chm. Bury asked if there was a building currently on the subject lot and Mr. Jensen stated that the lot was vacant.

Mr. Aspell asked if water and sewer facilities were available on subject lot and Mr. Jensen stated they were.

Acting Chm. Bury asked if there was anyone in the audience who wished to testify on this matter. There was no one. She entertained a motion.

(17" on tape 6)

MOTION: Com. Hyde moved that the Klamath County Planning Commission recommend to the Board of Commissioners that they approve Zone Change 76-6 from C-5 to CP for the purpose of building a bank, based upon the following findings of fact and conclusions of law in compliance with Article 112, Section 112.001, Subsections 1 through 5 of Ordinance No. 17:

Findings of Fact:

1. The lot provides 37,260 square feet of area and the location is good because of direct access to South Sixth Street.

*motion
to seek
approval*

2. Grizzly Bear Pizza Parlor and a trailer sales are located next to the subject property. There should be no adverse effect on these businesses or other businesses in the surrounding area.

3. Banking is not permitted in a C-5 zone, therefore, the change is necessary.

4. Adequate services for water and sewer are available.

Conclusions of Law:

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

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

Com. Moty seconded the motion. All were in favor and the motion carried.

STATE OF OREGON, COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of FEBRUARY A.D. 19 79 at 8:30 o'clock A.M., and duly recorded in Vol M 79 of DEEDS on Page 3069.

FEE none

WM. D. MILNE, County Clerk

By Klazel Drazel Deputy

~~MOTION: Com. Loveness moved to consider out of order the Comprehensive Land Use Plan map change and Zone Change 75-27 for Robert Sari, for decision only. Com. Dillavou seconded the motion. All were in favor and the motion carried.~~

~~Acting Chm. Bury entertained a motion for Comprehensive Land Use Plan map change for Zone Change 75-27 for Robert L. Sari.~~