

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
 FOR A COMPREHENSIVE LAND USE PLAN)
 AND ZONE CHANGE NO. 78-53, BY)
 LES SCHWAB TIRE CENTER)

O R D E R

THIS MATTER having come on for hearing upon the application of Les Schwab Tire Center for a Comprehensive Land Use Plan change from Urban Density to General Commercial and a Zone Change from RD 10,000 (Residential Single-Family) to C-5 (Commercial-Highway) Zone, by the Klamath County Planning Commission, on real property described as Township 39S, Range 9 Section 2 and lots 18 and 19 of Pleasant Home Tracts. Public hearings having been heard by the Klamath County Planning Commission on December 19, 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 January 16, 1979, 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

18
10 AM
6 MAR 1979

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
3 CHANGE:

4 1. The Board of Commissioners found site for Compre-
5 hensive Land Use Plan change and Zone Change to be located north
6 of South Sixth Street and west of Madison Avenue.

7 2. The Board of Commissioners found site for change
8 in Comprehensive Land Use Plan and zone to be approximately
9 31,360 square feet in size and rectangle in shape, therefore
10 adequate in size and shape for proposed use.

11 3. The Board of Commissioners found site has been in
12 use as commercial since 1963 and therefore this Comprehensive Land
13 Use Plan and Zone Change would put uses in the proper land use and
14 zone.

15 4. The Board of Commissioners found access to site
16 for change in Comprehensive Land Use Plan and Zone would be off
17 of Madison Avenue which is a paved street and can adequately
18 serve the anticipated traffic volume.

19 5. The Board of Commissioners found site for change
20 in Comprehensive Land Use Plan and zone to be in conformance
21 with the trends in the area as there are other commercial uses
22 to the south and west of site.

23 6. The Board of Commissioners found that notification
24 had been sent to all property owners in the area and also to the
25 Herald and News, thus addressing L.C.D.C. Goal No. 1, Citizen
26 Involvement. No input from Area Committee.

27 7. The Board of Commissioners found site for change
28 in Comprehensive Land Use Plan and zone had been going on since

1 1963 and with change to commercial use, this put property in the
2 right land use designation, thus addressing L.C.D.C. Goal No. 2,
3 Land Use Planning.

4 8. The Board of Commissioners found change to commer-
5 cial would provide for additional employment in the area, thus
6 addressing L.C.D.C. Goal No. 9, Economy of the State.

7 9. The Board of Commissioners found site for change
8 in Comprehensive Land Use Plan and zone that public facilities
9 such as water, electricity and telephone were adequate.

10 10. The Board of Commissioners found site for change
11 in Comprehensive Land Use Plan and Zone had access off of Madison
12 Avenue and also that Madison Avenue allowed transportation to and
13 from site, thus addressing L.C.D.C. Goal No. 12, Transportation.

14 11. The Board of Commissioners found site to be
15 within any proposed urban growth boundary, that will be established
16 at a later date in time, when all land use studies have been
17 completed.

18 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
19 CHANGE:

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

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

27 3. The proposed Comprehensive Land Use Plan change
28 will have no adverse effect or only limited adverse effect on

1 any property or the permitted uses thereof within the affected
2 area.

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

7 5. That the proposed Comprehensive Land Use Plan
8 change is in keeping with land uses and improvements, trends in
9 land development, density of land development, and prospective
10 needs for development in the affected area.

11 FINDINGS OF FACT FOR ZONE CHANGE:

12 1. The Board of Commissioners found site for Compre-
13 hensive Land Use Plan change and Zone Change to be located north
14 of South Sixth Street and west of Madison Avenue.

15 2. The Board of Commissioners found site for change
16 in Comprehensive Land Use Plan and Zone to be approxmately
17 31,360 square feet in size and rectangle in shape, therefore
18 adequate in size and shape for proposed use.

19 3. The Board of Commissioners found site has been in
20 use as commercial since 1963 and therefore this Comprehensive Land
21 Use Plan and Zone Change would put uses in the proper land use and
22 zone.

23 4. The Board of Commissioners found access to site
24 for change in Comprehensive Land Use Plan and Zone would be off
25 of Madison Avenue which is a paved street and can adequately
26 serve the anticipated traffic volume.

27 5. The Board of Commissioners found site for change
28 in Comprehensive Land Use Plan and zone to be in conformance

1 with the trend in the area as there are other commercial uses to
2 the south and west of site.

3 6. The Board of Commissioners found that notification
4 had been sent to all property owners in the area and also to the
5 Herald and News, thus addressing L.C.D.C. Goal No. 1, Citizen
6 Involvement. No input from Area Committee.

7 7. The Board of Commissioners found site for change
8 in Comprehensive Land Use Plan and Zone had been going on since
9 1963 and with change to commercial use, this put property in the
10 right land use designation, thus addressing L.C.D.C. Goal No. 2,
11 Land Use Planning.

12 8. The Board of Commissioners found change to commer-
13 cial would provide for additional employment in the area, thus
14 addressing L.C.D.C. Goal No. 9, Economy of the State.

15 9. The Board of Commissioners found site for change
16 in Comprehensive Land Use Plan and Zone that public facilities
17 such as water, electricity and telephone service were adequate.

18 10. The Board of Commissioners found site for change
19 in Comprehensive Land Use Plan and Zone had access off of Madison
20 Avenue and also that Madison Avenue allowed transportation to and
21 from site, thus addressing L.C.D.C. Goal No. 12, Transportation.

22 11. The Board of Commissioners found site to be
23 within any proposed urban growth boundary, that will be established
24 at a later date in time, when all land use studies have been
25 completed.

26 CONCLUSIONS OF LAW FOR ZONE CHANGE:

27 1. The property affected by the proposed change of
28 zone is adequate in size and shape to facilitate those uses

1 normally allowed in conjunction with such zoning.

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

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

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

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

16 NOW, THEREFORE, it is hereby ordered that the
17 application for the Comprehensive Land Use Plan change from
18 Urban Density to General Commercial and a Zone Change from R210,
19 RD 10,000 (Single-Family Residential) to C-5 (Commercial -
20 Highway) Zone for Les Schwab Tire Center on the subject property,
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1 is hereby granted.

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3 DONE AND DATED THIS 28th DAY OF February 1979.

4
5 Harold L. Kerner
6 CHAIRMAN OF THE BOARD

7
8 Christa A. Payne
9 COUNTY COMMISSIONER

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11 Neil Kuonen
12 COUNTY COMMISSIONER

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16
17 STATE OF OREGON,)
County of Klamath)
Filed for record at request of

18
19 APPROVED AS TO FORM:
20 Boivin, Boivin & Aspell
21 By: Robert S. Kerner
22 COUNTY LEGAL COUNSEL

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26
27
28 Klamath County
on this 6th day of March A.D. 19 79
at 10:18 o'clock A M, and duly
recorded in Vol. 179 of Deeds
Page 4927
Wm D. MILNE, County Clerk
By Bernard A. Helseth Deputy
Fee None