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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 78-62)
BY LARRY GONZALES, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the application of Larry Gonzales for a Comprehensive Land Use Plan change from Urban Density to Commercial General and a Zone Change from RD 10,000 (Single Family Residential) to C-5 (Commercial Highway), by the Klamath County Planning Commission, on real property described as Township 39, Range 9, Section 2, Tax Lot 1000. Public hearings having been heard by the Klamath County Planning Commission on January 24, 1979, 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 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 February 20, 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 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 THE COMPREHENSIVE LAND USE PLAN
CHANGE

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4 1. The Board of County Commissioners found that the
5 existing and surrounding Comprehensive Land Use Plan was for
6 Urban Density and a change to Commercial General did not comply
7 with the land use in the area.

8 2. The Board of County Commissioners found that the
9 location for the proposed use was of Urban Density, and therefore
10 a commercial use was not in conformance with the Urban Density
11 uses.

12 3. The Board of County Commissioners found that pro-
13 perty access would appear to be inadequate, in that access is for
14 residential uses, and not for commercial uses.

15 4. The Board of County Commissioners found the pro-
16 posed use, being a repair garage, would be undesirable to the
17 surrounding property.

18 5. The Board of County Commissioners found that ad-
19 jacent property owners had been notified, and that they appeared
20 and gave testimony in opposition to the proposed use, that being
21 a repair garage, thus addressing LCDC Goal No. 1.

22 6. The Board of County Commissioner found that the
23 LCDC Goal of Land Use Planning had been addressed, in that the
24 proposed use, being a repair garage, was not in conformance with
25 the surrounding land use plans.

26 7. The Board of County Commissioners found, per testi-
27 mony, that LCDC Goal No. 6 had been addressed, in that the pro-
28 posed use has evident noise and pollution that would affect the
surrounding area, which appears to have urban type uses.

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1 8. The Board of County Commissioners found that LCDC
2 Goal No. 14 had been addressed in that the proposed use is in an
3 area where there is urban type development, and this is the
4 current use.

5 CONCLUSIONS OF LAW FOR THE COMPREHENSIVE LAND USE
6 PLAN CHANGE

7 1. The property affected by the change of comprehen-
8 sive land use plan is not adequate in size and shape to facili-
9 tate those uses normally allowed in conjunction with such zoning;

10 2. The property affected by the proposed change of
11 comprehensive land use plan is not properly related to streets
12 and highways to adequately serve the type of traffic generated
13 by such uses that may be permitted therein;

14 3. The proposed change of comprehensive land use plan
15 will have an adverse effect on any property or the permitted
16 uses thereof within the affected area;

17 4. That the proposed change of comprehensive land use
18 plan is not in keeping with land uses and improvements, trends in
19 land development, density of land development, and prospective
20 needs for development in the affected area.

21 5. That the proposed change of comprehensive land use
22 plan is not in keeping with any land use plans duly adopted and
23 and does not, in effect, represent the highest, best and most
24 appropriate use of the land affected.

25 FINDINGS OF FACT FOR THE ZONE CHANGE
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27 1. The Board of Commissioners found that the existing
28 and surrounding Comprehensive Land Use Plan was for Urban Density
and a change to Commercial General did not comply with the land

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1 use in the area.

2 2. The Board of County Commissioners found that the
3 location for the proposed use was of Urban Density, and therefore
4 a commercial use was not in conformance with the Urban Density
5 uses.

6 3. The Board of County Commissioners found that pro-
7 perty access would appear to be inadequate, in that access is for
8 residential uses, and not for commercial uses.

9 4. The Board of County Commissioners found that the
10 proposed use, being a repair garage, would be undesirable to the
11 surrounding property.

12 5. The Board of County Commissioners found that ad-
13 jacent property owners had been notified, and that they appeared
14 and gave testimony in opposition to the proposed use, that being
15 a repair garage, thus addressing LCDC Goal No. 1.

16 6. The Board of County Commissioners found that the
17 LCDC Goal of Land Use Planning had been addressed, in that the
18 proposed use, being a repair garage, was not in conformance with
19 the surrounding land use plans.

20 7. The Board of County Commissioners found, per testi-
21 mony, that LCDC Goal No. 6 had been addressed, in that the pro-
22 posed use has evident noise and pollution that would affect the
23 surrounding area, which appears to have urban type uses.

24 8. The Board of County Commissioners found that LCDC
25 Goal No. 14 had been addressed in that the proposed use is in an
26 area where there is urban type development, and this is the
27 current use.

28 CONCLUSIONS OF LAW FOR THE ZONE CHANGE

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

4 2. The property affected by the proposed change of
5 zone is not properly related to streets and highways to ade-
6 quately serve the type of traffic generated by such uses that may
7 be permitted therein;

8 3. The proposed change of zone will have an adverse
9 effect on any property or the permitted uses thereof within
10 the affected area;

11 4. That the proposed change of zone is not in keeping
12 with land uses and improvements, trends in land development, den-
13 sity of land development, and prospective needs for development
14 in the affected area.

15 5. That the proposed change of zone is not in keeping
16 with any land use plans duly adopted and does not, in effect,
17 represent the highest, best, and most appropriate use of the land
18 affected.

19 NOW THEREFORE, it is hereby ordered that the applica-
20 tion for the Comprehensive Land Use Plan change from Urban Den-
21 sity to Commercial General and Zone Change from RD 10,000
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(continued on Page 6)

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(Singl. Family Residential) to C-5 (Commercial Highway) for
Larry Gonzales on the subject property is hereby denied.

DONE AND DATED THIS 12th DAY OF April, 1979.

Harold L. Kynne

Chairman of the Board

Alvin A. Cheyne

County Commissioner

Neil K. Korman

County Commissioner

Approved as to Form:

Boivin, Boivin, and Aspell

By [Signature]

County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; CL

Filed for record at request of Klamath County

this 16th day of April A. D. 1979 at 10:07 clock A. M., and

fully recorded in Vol. 1179, of Deeds on Page 3213

Wm D. MILNE, County Clerk

By [Signature]

No Fee