

BOARD OF COUNTY COMMISSIONERS

75525

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-11))
BY EDWARD BEASWORRICK)

O R D E R

THIS MATTER having come on for hearing upon the application of Edward Beasworrick for a Comprehensive Land Use Plan change from Urban Density to Commercial General and zone change from RD 7,000 (Single Family Residential) to C-5 (Commercial-Highway), by the Klamath County Planning Commission, on real property described as Township 36, Range 12, Section 23, Tax Lot 700. Public hearings having been heard by the Klamath County Planning Commission on May 22, 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 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 26, 1979, 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 granted.

The Board of County Commissioners makes the following Findings of Fact and Conclusions of Law as required by Ordinance

1 No. 17, the Klamath County Zoning Ordinance:

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

3 1. The Board of County Commissioners found size of lot
4 to be adequate in size and shape to accommodate proposed use.

5 2. The Board of County Commissioners found site to be
6 located on the south side of the Klamath Falls-Lakeview Highway
7 and within the town of Beatty, Oregon.

8 3. The Board of County Commissioners found site for
9 Comprehensive Land Use Plan to have adequate access off of
10 Highway 97.

11 4. The Board of County Commissioners found that site for
12 change in Comprehensive Land Use Plan would not have an effect on
13 surrounding properties as there are other commercial uses in the
14 area.

15 5. The Board of County Commissioners found that the Area
16 Committee had been notified as well as adjacent property owners
17 and they offered no objections, thus addressing L.C.D.C. Goal
18 No. 1.

19 6. The Board of County Commissioners found there were
20 mixtures of land uses along Highway 140 in Beatty, such as
21 commercial and residential, thus addressing L.C.D.C. Goal No. 2.

22 7. The Board of County Commissioners found site for
23 change in Comprehensive Land Use Plan to have water available
24 and also found site has septic tank, thus addressing L.C.D.C.
25 Goal No. 6.

26 8. The Board of County Commissioners found that the
27 site for change in Comprehensive Land Use Plan would have an
28 effect on the economy of the area, thus addressing L.C.D.C. Goal

1 No. 9.

2 9. The Board of County Commissioners found site has
3 public facilities such as electricity and telephone, thus address-
4 ing L.C.D.C. Goal No. 11.

5 10. The Board of County Commissioners found site has
6 access off of the Klamath Falls-Lakeview Highway, thus addressing
7 L.C.D.C. Goal No. 12.

8 11. The Board of County Commissioners found site was in
9 an area where some urban development such as commercial and resi-
10 dential has taken place, thus addressing L.C.D.C. Goal No. 14.

11 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
12 CHANGE:

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

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

20 3. The proposed Comprehensive Land Use Plan change will
21 have no adverse effect or only limited adverse effect on any
22 property or the permitted uses thereof within the affected
23 area.

24 4. The proposed Comprehensive Land Use Plan change is
25 in keeping with any land use plans duly adopted and does, in
26 effect, represent the highest, best and most appropriate use of
27 the land affected.

28 5. The proposed Comprehensive Land Use Plan change is
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1 in keeping with land uses and improvements, trends in land devel-
2 opment, density of land development, and prospective needs for
3 development in the affected area.

4 FINDINGS OF FACT FOR ZONE CHANGE:

- 5 1. The Board of County Commissioners found size of lot
6 to be adequate in size and shape to accommodate proposed use.
- 7 2. The Board of County Commissioners found site to be
8 located on the south side of the Klamath Falls-Lakeview Highway
9 and within the town of Beatty, Oregon.
- 10 3. The Board of County Commissioners found site for
11 change in zone to have adequate access off of Highway 97.
- 12 4. The Board of County Commissioners found that site for
13 change in zone would not have an effect on surrounding properties
14 as there are other commercial uses in the area.
- 15 5. The Board of County Commissioners found that the Area
16 Committee had been notified as well as adjacent property owners
17 and they offered no objections, thus addressing L.C.D.C. Goal No.
18 1.
- 19 6. The Board of County Commissioners found there were
20 mixtures of land uses along Highway 140 in Beatty, such as
21 commercial and residential, thus addressing L.C.D.C. Goal No. 2.
- 22 7. The Board of County Commissioners found site for
23 change in zone to have water available and also found site has
24 septic tank, thus addressing L.C.D.C. Goal No. 6.
- 25 8. The Board of County Commissioners found that the
26 site for change in zone would have an effect on the economy of
27 the area, thus addressing L.C.D.C. Goal No. 9.
- 28 9. The Board of County Commissioners found site had

1 public facilities such as electricity and telephone, thus address-
2 ing L.C.D.C. Goal No. 11.

3 10. The Board of County Commissioners found site has
4 access off of the Klamath Falls-Lakeview Highway, thus addressing
5 L.C.D.C. Goal No. 12.

6 11. The Board of County Commissioners found site was in
7 an area where some urban development such as commercial and
8 residential has taken place, thus addressing L.C.D.C. Goal No. 14.

9 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

27 NOW, THEREFORE, it is hereby ordered that the application
28 for the Comprehensive Land Use Plan change from Urban Density to
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Commercial General and zone change from RD 7,000 (Single Family Residential) to C-5 (Commercial Highway) for Edward Beasworrick on the subject property, is hereby granted.

DONE AND DATED THIS 15th DAY OF October 1979.

Chairman

Alvin A. Chapin
Member

Neil Kusner
Member

APPROVED AS TO FORM:
Boivin, Boivin & Aspell

By: Alvin A. Chapin

Commissioners Journal

State of Oregon, } ss.
County of Klamath

I hereby certify that the within instrument was received and filed for record on the 16th day of October, 19 79, at 3:03 o'clock P. M. and recorded on Page 24364 in Book M79 Records of Needs of said County.

WM. D. MILNE, County Clerk

By Samuel H. Hefner Deputy

Fee None