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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 79-23 BY C. U. BUILDING, CORPORATION

O R D E R

THIS MATTER having come on for hearing upon the application of C. U. Building, Corporation for a Comprehensive Land Use Plan change from Urban Density to Commercial General and a zone change from RA (Residential Agriculture) to C-5 (Commercial Highway), by the Klamath County Planning Commission, on real property described as Township 38, Range 9, Section 24, Tax Lot 3801. Public hearings having been heard by the Klamath County Planning Commission on July 17, 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 August 21, 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 in Comprehensive Land Use Plan and zone change for the subject property, should be granted.

The Board of County Commissioners makes the following

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Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

1. The Board of County Commissioners found site for change in Comprehensive Land Use Plan to be in an area where there are other commercial uses.

2. The Board of County Commissioners found site for change in Comprehensive Land Use Plan to be adequate for proposed use, that being for additional parking.

3. The Board of County Commissioners found site to be located adjacent to current property that is being utilized as a commercial use, and therefore in conformance with the use.

4. The Board of County Commissioners found site for change in Comprehensive Land Use Plan would not have an effect on abutting properties as site would be used as a parking lot.

5. The Board of County Commissioners found site for change in Comprehensive Land Use Plan has adequate access to the property and that access could handle the anticipated traffic volume.

6. The Board of County Commissioners found there was a definite need for the parking. This was per testimony presented by the applicant on July 17, 1979 to the Planning Commission.

7. The Board of County Commissioners found that L.C.D.C. Goal No. 1 had been addressed in that the surrounding property owners had been notified as well as those agencies of concern.

8. The Board of County Commissioners found per testimony that site appeared not to be in an area that would be

subject to natural disasters and hazards, therefore addressing L.C.D.C. Goal No. 7.

9. The Board of County Commissioners found proposed use would increase the volume of people in order to utilize the credit union, therefore increasing the economy of the state, thus addressing L.C.D.C. Goal No. 9.

10. The Board of County Commissioners found site for change in land use had public facilities such as electricity, water, sewer, therefore addressing L.C.D.C. Goal No. 11.

11. The Board of County Commissioners found site had access off of Shasta Way which is a paved street, and improved, and can handle the type of traffic that will be generated, therefore addressing L.C.D.C. Goal No. 12.

12. The Board of County Commissioners found site to be in an area where urban type development has taken place, therefore addressing L.C.D.C. Goal No. 14.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN CHANGE:

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

2. The property affected by the proposed Comprehensive Land Use Plan change 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 Comprehensive Land Use Plan change will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected

area.

4. The proposed Comprehensive Land Use Plan change 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.

5. The proposed Comprehensive Land Use Plan change 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.

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners found site for change in zone to be in an area where there are other commercial uses.

2. The Board of County Commissioners found site for change in zone to be adequate for proposed use, that being for additional parking.

3. The Board of County Commissioners found site to be located adjacent to current property that is being utilized as a commercial use, and therefore in conformance with the use.

4. The Board of County Commissioners found site for change in zone would not have an effect on abutting properties as site would be used as a parking lot.

5. The Board of County Commissioners found site for change in zone has adequate access to the property and that access could handle the anticipated traffic volume.

6. The Board of County Commissioners found there was a definite need for the parking. This was per testimony presented by the applicant on July 17, 1979, to the Planning Commission.

7. The Board of County Commissioners found that L.C.D.C. Goal No. 1 had been addressed in that the surrounding property owners had been notified as well as those agencies of concern.

8. The Board of County Commissioners found per testimony that site appeared not to be in an area that would be subject to natural disasters and hazards, therefore addressing L.C.D.C. Goal No. 7.

9. The Board of County Commissioners found proposed use would increase the volume of people in order to utilize the credit union, therefore increasing the economy of the state, thus addressing L.C.D.C. Goal No. 9.

10. The Board of County Commissioners found site for change in land use had public facilities such as electricity, water, sewer, therefore addressing L.C.D.C. Goal No. 11.

11. The Board of County Commissioners found site had access off of Shasta Way which is a paved street, and improved, and can handle the type of traffic that will be generated, therefore addressing L.C.D.C. Goal No. 12.

12. The Board of County Commissioners found site to be in an area where urban type development has taken place, therefore addressing L.C.D.C. Goal No. 14.

CONCLUSIONS OF LAW FOR ZONE CHANGE:

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. 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. 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.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Urban Density to General Commercial and zone change from RA (Residential Agricultural) to C-5 (Commercial Highway) for C. U. Building on the subject property, is hereby granted.

DONE AND DATED THIS 30th DAY OF October, 1979.

Floyd L. Wynne
Chairman

Member

Member

Commissioners Journal

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
By: Robert Boivin

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 2nd day of November A.D., 19 79 at 4:25 o'clock P M., and duly recorded in Vol M79, of Deeds on Page 25976.

FEE None

WM. D. MILNE, County Clerk
By Bernetta Hetsch Deputy