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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

Vol. ^m 74

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1 IN THE MATTER OF THE APPLICATION)
2 FOR COMPREHENSIVE LAND USE PLAN)
3 CHANGE AND ZONE CHANGE NO. 79-26)
4 BY WINEMA PENINSULA)

O R D E R

5 THIS MATTER having come on for hearing upon the appli-
6 cation of Winema Peninsula for a Comprehensive Land Use Plan
7 change from Agriculture and Light Industrial to General Commercial
8 and a Zone Change from SP-12 (Quarry) to SP-16 (PUD), by the
9 Klamath County Planning Commission, on real property described as
10 Township 35, Range 7, Section 16 and 21 and Tax Lot 1200. Public
11 hearings having been heard by the Klamath County Planning Com-
12 mission on August 14, 1979, wherefrom the testimony, reports, and
13 information produced at the hearing by the applicant, members of
14 the Planning Department Staff and other persons in attendance, the
15 Planning Commission recommended approval to the Board of County
16 Commissioners. Following action by the Planning Commission, a
17 public hearing before the Board of County Commissioners was regu-
18 larly held on September 24, 1979, wherefrom the testimony at said
19 hearing it appeared that the record below was accurate and com-
20 plete and it appears from the testimony, reports and exhibits
21 introduced at the hearing before the Planning Commission that the
22 application for a change of Comprehensive Land Use Plan and Zone
23 Change for the subject property, should be granted.

24 The Board of County Commissioners makes the following
25 Findings of Fact and Conclusions of Law as required by Ordinance
26 No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLANCHANGE:

1 1. The Board of Commissioners found site for change in
2 Comprehensive Land Use Plan to be located on the east side of
3 Highway 97 and west of the Williamson River.

4 2. The Board of Commissioners found property for
5 change in Comprehensive Land Use Plan to be triangular in shape
6 and approximately forty-nine (49) acres in size.

7 3. The Board of Commissioners found the existing and
8 surrounding Comprehensive Land Use Plan classification to be
9 Commercial General and zoned C-5 and SP-10, which are commercial
10 related businesses.

11 4. The Board of Commissioners, per testimony, found
12 site for change in Comprehensive Land Use Plan that use for the
13 approximately forty-nine (49) acres was going to be for a museum,
14 pitch and putt golf course and a restaurant. The density for such
15 use is generally light for the forty-nine (49) acres.

16 5. The Board of Commissioners found site for change in
17 Comprehensive Land Use Plan would be a minimal change in that the
18 surrounding property has commercial uses and tourist related uses,
19 thus supporting the trend in the area.

20 6. The Board of Commissioners found, per testimony
21 and exhibits and letters from the applicant, that there is a
22 definite need for such use. Exhibits being Applicant's Exhibits
23 1, 2, 6, and 7.

24 7. The Board of Commissioners also found, per testi-
25 mony from applicant on need, that the existing uses need to be
26 expanded to meet the tourist demand.

27 8. The Board of Commissioners found that notification
28 had been sent to the Chiloquin Area Committee and also notifica-

1 tion had been sent to the surrounding property owners as well as
2 to the Herald and News, therefore addressing L.C.D.C. Goal No. 1.

3 9. The Board of Commissioners found soil classifica-
4 tions varied from Class III to Class VI and also the applicant
5 testified that the site was not a support to the agriculture
6 industry from a financial standpoint, therefore addressing
7 L.C.D.C. Goal No. 3.

8 10. The Board of Commissioners found there were exist-
9 ing trees on subject property but were not of commercial value or
10 quality, as evidenced by the expert testimony of Mr. Gienger,
11 therefore addressing L.C.D.C. Goal No. 4.

12 11. The Board of Commissioners found site would have
13 water by individual well and septic tank for sanitary use, thus
14 addressing L.C.D.C. Goal No. 6.

15 12. The Board of Commissioners found, per testimony
16 from applicant, that a pitch and putt golf course would be devel-
17 oped, therefore addressing L.C.D.C. Goal No. 8.

18 13. The Board of Commissioners found, per testimony
19 from applicant, that the proposed uses, being commercial, would
20 add to the economy of the area, therefore addressing L.C.D.C.
21 Goal No. 9.

22 14. The Board of Commissioners found that public faci-
23 lities to site would be electricity, telephone service, therefore
24 addressing L.C.D.C. Goal No. 11.

25 15. The Board of Commissioners found that site for
26 change in Comprehensive Land Use Plan had existing access off of
27 Highway 97, which is a paved highway and that there was an indi-
28 cation that the State Highway Department will approve additional

1 access once applicant met State Highway requirements, therefore
2 addressing L.C.D.C. Goal No. 12.

3 16. The Board of Commissioners found, per Applicant's
4 Exhibit No. 6, Statement of Need, that the development of their
5 multi-purpose facility will serve travelers on an already well
6 traveled route, therefore addressing L.C.D.C. Goal No. 13.

7 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN

8 CHANGE:

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

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

16 3. The proposed Comprehensive Land Use Plan change
17 will have no adverse effect or only limited adverse effect on any
18 property or the permitted uses thereof within the affected area.

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

23 5. That the proposed Comprehensive Land Use Plan
24 change is in keeping with land uses and improvements, trends in
25 land development, density of land development, and prospective
26 needs for development in the affected area.

27 FINDINGS OF FACT FOR ZONE CHANGE:

28 1. The Board of Commissioners found site for change in

1 Zone is located on east side of Highway 97 and west of the
2 Williamson River.

3 2. The Board of Commissioners found property for
4 change in Zone to be triangular in shape and approximately forty-
5 nine (49) acres in size.

6 3. The Board of Commissioners found the existing and
7 surrounding Zone classification to be C-5 Commercial Highway and
8 zoned C-5 and SP-10, which are commercial related businesses.

9 4. The Board of Commissioners, per testimony, found
10 site for change in Zone that use for the approximately forty-nine
11 (49) acres was going to be for a museum, pitch and putt golf
12 course and a restaurant. The density for such use is generally
13 light for the forty-nine (49) acres.

14 5. The Board of Commissioners found site for change
15 in Zone would be a minimal change in that the surrounding property
16 has commercial uses and tourist related uses, thus supporting the
17 trend in the area.

18 6. The Board of Commissioners found, per testimony and
19 exhibits and letters from the applicant, that there is a definite
20 need for such use. Exhibits being Applicant's Exhibits 1, 2, 6,
21 and 7.

22 7. The Board of Commissioners also found, per testi-
23 mony from applicant on need, that the existing uses need to be
24 expanded to meet the tourist demand.

25 8. The Board of Commissioners found that notification
26 had been sent to the Chiloquin Area Committee and also notifica-
27 tion had been sent to the surrounding property owners as well as
28 to the Herald and News, therefore addressing L.C.D.C. Goal No. 1.

1 9. The Board of Commissioners found soil classifica-
2 tions varied from Class III to Class VI and also the applicant
3 testified that the site was not a support to the agriculture in-
4 dustry from a financial standpoint, therefore addressing L.C.D.C.
5 Goal No. 3.

6 10. The Board of Commissioners found there were exist-
7 ing trees on subject property but were not of commercial value or
8 quality, as evidenced by the expert testimony of Mr. Gienger,
9 therefore addressing L.C.D.C. Goal No. 4.

10 11. The Board of Commissioners found site would have
11 water by individual well and septic tank for sanitary use, thus
12 addressing L.C.D.C. Goal No. 6.

13 12. The Board of Commissioners found, per testimony
14 from applicant, that a pitch and putt golf course would be devel-
15 oped, therefore addressing L.C.D.C. Goal No. 8.

16 13. The Board of Commissioners found, per testimony
17 from applicant, that the proposed uses, being commercial, would
18 add to the economy of the area, therefore addressing L.C.D.C. Goal
19 No. 9.

20 14. The Board of Commissioners found that public faci-
21 lities to site would be electricity, telephone service, therefore
22 addressing L.C.D.C. Goal No. 11.

23 15. The Board of Commissioners found that site for
24 change in Zone had existing access off of Highway 97, which is a
25 paved highway and that there was an indication that the State
26 Highway Department will approve additional access once applicant
27 met State Highway Requirements, therefore addressing L.C.D.C.
28 Goal No. 12.

1 16. The Board of Commissioners found, per Applicant's
2 Exhibit No. 6, Statement of Need, that the development of their
3 multi-purpose facility will serve travelers on an already well
4 traveled route, therefore addressing L.C.D.C. Goal No. 13.

5 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

23 NOW, THEREFORE, it is hereby order that the application
24 for the Comprehensive Land Use Plan change from Agriculture and
25 Light Industrial to Commercial General and Zone Change from SP-12
26 (Quarry) to SP-16 (PUD) for Winema Peninsula on the subject
27
28

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1 property, is hereby granted.

2 DONE AND DATED THIS 3rd DAY OF December 19 79.

3
4 Harold L. Kynne
5 Chairman

6
7 David G. Kynne
8 Member

9
10 Lee Kuonene
Member

11 APPROVED AS TO FORM:
12 Boivin, Boivin & Aspell

13 By: [Signature]

14
15 STATE OF OREGON; COUNTY OF KLAMATH; ss.
16 Filed for record at request of Klamath County
17 this 5th day of December A. D. 1979 at 10:23 clock A. M., of
18 duly recorded in Vol. M79, of Teeds on Page 28104

19
20 No Fee

21 Wm D. MILNE, County Clerk
22 By: [Signature]

23 Commissioners Journal