

BOARD OF COUNTY COMMISSIONERS

77709

KLAMATH COUNTY, OREGON

Vol. ^M 79 Page 20112

1 IN THE MATTER OF THE APPLICATION)
2 FOR COMPREHENSIVE LAND USE PLAN)
3 CHANGE AND ZONE CHANGE 79-25 BY)
4 E. W. G. DEVELOPMENT COMPANY)

O R D E R

5
6 THIS MATTER having come on for hearing upon the appli-
7 cation of E. W. G. Development Co., for a Comprehensive Land Use
8 Plan change from Urban Density to General Commercial and a Zone
9 Change from RD 10,000 (Single Family Residential) to C-5 (Commer-
10 cial Highway), by the Klamath County Planning Commission, on real
11 property described as Township 39, Range 9, Section 2 and being
12 Tax Lots 4900, 5000, and 1001. Public hearings having been heard
13 by the Klamath County Planning Commission on July 17, July 31 and
14 August 21, 1979, wherefrom the testimony, reports and information
15 produced at the hearing by the applicant, members of the Planning
16 Department Staff and other persons in attendance, the Planning
17 Commission recommended approval to the Board of County Commission-
18 ers. Following action by the Planning Commission, a public hear-
19 ing before the Board of County Commissioners was regularly held
20 on October 16, 1979, wherefrom the testimony at said hearing it
21 appeared that the record below was not accurate and complete and
22 it appeared from the testimony, reports and exhibits introduced
23 at the hearing before the Planning Commission that the application
24 for a change of Comprehensive Land Use Plan and Zone Change for
25 the subject property, would be heard before the Board of Commis-
26 sioners for a new hearing on November 6, 1979. On November 9,
27 1979, after hearing the new testimony and reviewing testimony,
28 reports and exhibits introduced and made part of the record of the
November 6, 1979, the Board of Commissioners granted the Compre-

1 hensive Land Use Plan and Zone Change with conditions.

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

5 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
6 CHANGE

7 1. The Board of Commissioners found, per testimony
8 and information produced at the hearings, that the size of pro-
9 perty for change in Comprehensive Land Use Plan and Zone Change
10 was approximately 7.2 acres.

11 2. The Board of Commissioners found, per testimony
12 produced at the hearings, parcel of land was located in Township
13 39, Range 9, Section 2, being Tax Lots 5000, 4900 and 1001.

14 3. The Board of Commissioners found, per exhibits
15 produced at the hearings, that site for change in Comprehensive
16 Land Use Plan and Zone was located between Homedale and Madison
17 Streets and south of South Sixth Street but not adjacent to South
18 Sixth Street.

19 4. The Board of Commissioners found, per testimony,
20 site for change in Comprehensive Land Use Plan and Zone was for a
21 one-stop neighborhood shopping center, with the density of the
22 shopping center being approximately 161,700 square feet of build-
23 ing floor space.

24 5. The Board of Commissioners found, per testimony
25 and Exhibit Number 5 from applicant, that land use trends along
26 South Sixth Street are towards commercial uses.

27 6. The Board of Commissioners found, per testimony
28 from applicant, that there are several thousand developed lots in

1 the immediate vicinity of the site for change in Comprehensive
2 Land Use Plan and Zone and that there is also residential growth
3 in the area. The conclusion being that there is a definite need
4 for a neighborhood one-stop shopping center that should be located
5 near the area of residential growth.

6 7. The Board of Commissioners found that notifica-
7 tion had been sent to the surrounding property owners and also had
8 sent notification to the Herald and News. The Board of Commis-
9 sioners also found per record that there was significant testimony
10 by the public, therefore addressing L.C.D.C. Goal No. 1, Citizen
11 Involvement.

12 8. The Board of Commissioners found, per testimony,
13 that a portion of the site to be utilized for commercial was
14 already conforming to the existing land use that being commercial,
15 and also that the proposed shopping center in general conforms to
16 the trend of commercial development along South Sixth Street,
17 therefore addressing L.C.D.C. Goal No. 2, Land Use Planning.

18 9. The Board of Commissioners found that proposed
19 site for change in Comprehensive Land Use Plan and Zone was in an
20 area that is basically designated for commercial use and residen-
21 tial use and therefore, does not relate to L.C.D.C. Goal No. 3,
22 the Agriculture Goal.

23 10. The Board of Commissioners found proposed site
24 would not relate to the forest goal as site is in an urban tree
25 area.

26 11. The Board of Commissioners found, per information
27 produced at the hearing, that site was not in a wilderness area
28 nor did site have any scenic views, therefore addressing L.C.D.C.

1 Goal Number 5, Open Space, Scenic Area and Natural Resources.

2
3 12. The Board of Commissioners found site for change
4 in Comprehensive Land Use Plan and Zone not to be subject to
5 natural disasters and hazards, therefore addressing L.C.D.C. Goal
6 Number 7.

7 13. The Board of Commissioners found, per testimony,
8 reports and information produced at the hearings and made part of
9 the record, that proposed development being for commercial uses
10 will create long-range employment plus improve the economy of the
11 area. The Board of Commissioners also found, per testimony of the
12 applicant, that the project will have a total cost of \$6,500,000
13 and that \$100,000 will go towards public improvements. Testimony
14 also indicated that during the construction period, take-home pay
15 will be approximately \$2,000,000 and annual take-home pay that the
16 shopping center will provide will be a minimum of \$2,700,000 and a
17 maximum of \$4,200,000. Testimony also indicated that real pro-
18 perty taxes to benefit Klamath County will run approximately
19 \$100,00 annually, therefore addressing L.C.D.C. Goal Number 9,
20 Economy of the State.

21 14. The Board of Commissioners found, per record and
22 evidence produced at the hearing, that the proposed shopping
23 center would support the residential housing in the surrounding
24 area, therefore addressing L.C.D.C. Goal Number 10.

25 15. The Board of Commissioners found, per testimony,
26 that proposed site had public facilities such as electricity,
27 water, and sewer, plus being within the Suburban Fire District,
28 therefore addressing L.C.D.C. Goal Number 11, Public Facilities.

16. The Board of Commissioners found, per testimony

1 and information produced at the hearing, that the transportation
2 systems to site for shopping center were paved and access would be
3 off of Madison and Homedale and South Sixth Street, once approved
4 by the County and State Highway Department.

5 17. The Board of Commissioners found, per information
6 produced at the hearing, that site for the shopping center was
7 located in an area where there was urban and commercial develop-
8 ments and therefore being close to these urban and commercial uses,
9 this would help conserve on energy, therefore addressing L.C.D.C.
10 Goal Number 13, Energy.

11 18. The Board of Commissioners found, per testimony,
12 that site for change in Comprehensive Land Use Plan and Zone is in
13 an urbanized area where there are existing uses such as sub-
14 divisions and commercial activities and, therefore addressing
15 L.C.D.C. Goal Number 14, Urbanization.

16 19. The Board of Commissioners also found that the
17 effect of the change on the surrounding properties would be a
18 positive affect in that the use would be a one-stop shopping
19 center and therefore, be a limited adverse affect.

20 20. The Board of Commissioners also found that the
21 proposed change in Comprehensive Land Use Plan and Zone would help
22 the drainage problem in the area by piping the existing irrigation
23 ditch, running through property from Homedale to Madison Street.

24 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
25 CHANGE:

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

1 2. The property affected by the proposed Comprehen-
2 sive Land Use Plan change is properly related to streets and high-
3 ways to adequately serve the type of traffic generated by such
4 uses that may be permitted therein.

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

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

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

16 THE BOARD OF COMMISSIONERS APPROVES COMPREHENSIVE
17 LAND USE PLAN AND ZONE CHANGE 79-25 FOR E. W. G.
18 DEVELOPMENT COMPANY WITH THE FOLLOWING CONDITIONS:

19 1. The applicant will bring drainage plans to Board
20 of Commissioners and Public Works and Department of Environmental
21 Quality, where such plans will be reviewed to resolve drainage and
22 to be approved by the above-mentioned agencies.

23 2. The applicant, being E. W. G. Development Company
24 is to acquire the remaining ownership of the properties that are
25 north of Enterprise Irrigation Ditch and that are to be part of
26 the proposed shopping center as indicated by Applicant's Site Plan
27 marked Applicant's Exhibit Number 1. Applicant shall furnish
28 proof of ownership to Board of Commissioners.

 3. The improvements of Homedale and Madison are to

1 be paid by the developer, being E. W. G. Development Company and
2 criteria for improvements will be reviewed by the Board of Commis-
3 sioners and Public Works.

4 4. Ingress and egress off of Madison and Homedale
5 shall be a minimum of three hundred twenty (320) feet back, or
6 south from South Sixth Street.

7 5. The developer, being E. W. G. Development Company,
8 shall design a greenbelt. The area to be a greenbelt or landscape
9 area shall be between the proposed shopping center and the sub-
10 division to the south, that being Bel Air Gardens, and such land-
11 scape design shall be reviewed by the Board of Commissioners and
12 Planning Department.

13 FINDINGS OF FACT FOR ZONE CHANGE NO. 79-25:

14 1. The Board of Commissioners found, per testimony
15 and information produced at the hearings, that the size of pro-
16 perty for change in Comprehensive Land Use Plan and Zone Change
17 was approximately 7.2 acres.

18 2. The Board of Commissioners found, per testimony
19 produced at the hearings, parcel of land was located in Township
20 39, Range 9, Section 2, being Tax Lots 5000, 4900, and 1001.

21 3. The Board of Commissioners found, per exhibits
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24 Streets and south of South Sixth Street but not adjacent to South
25 Sixth Street.

26 4. The Board of Commissioners found, per testimony,
27 site for change in Comprehensive Land Use Plan and Zone was for a
28 one-stop neighborhood shopping center, with the density of the

1 shopping center being approximately 161,700 square feet of build-
2 ing floor space.

3 5. The Board of Commissioners found, per testimony
4 and Exhibit Number Five from applicant, that land use trends along
5 South Sixth are towards commercial uses.

6 6. The Board of Commissioners found, per testimony
7 from applicant, that there are several thousand developed lots in
8 the immediate vicinity of the site for change in Comprehensive
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10 in the area. The conclusion being that there is a definite need
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14 tion had been sent to the surrounding property owners and also had
15 sent notification to the Herald and News. The Board of Commis-
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17 by the public, therefore addressing L.C.D.C. Goal No. 1, Citizen
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26 site for change in Comprehensive Land Use Plan and Zone was in an
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1 the Agriculture Goal.

2 10. The Board of Commissioners found proposed site
3 would not relate to the forest goal as site is in an urban tree
4 area.

5 11. The Board of Commissioners found, per informa-
6 tion produced at the hearing, that site was not in a wilderness
7 area nor did site have any scenic views, therefore addressing
8 L.C.D.C. Goal Number 5, Open Space, Scenic Area and Natural
9 Resources.

10 12. The Board of Commissioners found site for change
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12 natural disasters and hazards, therefore addressing L.C.D.C. Goal
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14 13. The Board of Commissioners found, per testimony,
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16 the record, that proposed development being for commercial uses
17 will create long-range employment plus improve the economy of the
18 area. The Board of Commissioners also found, per testimony of the
19 applicant, that the project will have a total cost of \$6,500,000
20 and that \$100,000 will go towards public improvements. Testimony
21 also indicated that during the construction period, take-home pay
22 will be approximately \$2,000,000 and annual take-home pay that the
23 shopping center will provide will be a minimum of \$2,700,000 and a
24 maximum of \$4,200,000. Testimony also indicated that real pro-
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26 \$100,000 annually, therefore addressing L.C.D.C. Goal Number 9,
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15 was located in an area where there was urban and commercial
16 developments and therefore being close to these urban and commer-
17 cial uses, this would help conserve on energy, therefore address-
18 ing L.C.D.C. Goal Number 13, Energy.

19 18. The Board of Commissioners found, per testimony,
20 that site for change in Comprehensive Land Use Plan and Zone is in
21 an urbanized area where there are existing uses such as sub-
22 divisions and commercial activities and, therefore addressing
23 L.C.D.C. Goal Number 14, Urbanization.

24 19. The Board of Commissioners also found that the
25 effect of the change on the surrounding properties would be a
26 positive affect in that the use would be a one-stop shopping
27 center and therefore, be a limited adverse affect.

28 20. The Board of commissioners also found that the

1 proposed change in Comprehensive Land Use Plan and Zone would help
2 the drainage problem in the area by piping the existing irrigation
3 ditch, running through property from Homedale to Madison Street.

4 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

22 THE BOARD OF COMMISSIONERS APPROVES COMPREHENSIVE
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27 Quality, where such plans will be reviewed to resolve drainage and
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5 proof of ownership to Board of Commissioners.

6 3. The improvements of Homedale and Madison are to
7 be paid by the developer, being E. W. G. Development Company and
8 criteria for improvements will be reviewed by the Board of Commis-
9 sioners and Public Works.

10 4. Ingress and egress off of Madison and Homedale
11 shall be a minimum of three hundred twenty (320) feet back, or
12 south from South Sixth Street.

13 5. The developer, being E.W.G. Development Company,
14 shall design a greenbelt. The area to be a greenbelt or landscape
15 area shall be between the proposed shopping center and the sub-
16 division to the south, that being Bel Air Gardens, and such land-
17 scape design shall be reviewed by the Board of Commissioners and
18 Planning Department.

19 NOW, THEREFORE, it is hereby ordered that the appli-
20 cation for the Comprehensive Land Use Plan change from Urban Den-
21 sity to Commercial General and Zone Change from RD 10,000 (Single
22 Family Residential) to C-5 (Commercial Highway) for E.W.G. Devel-
23 opment Company on the subject property, is hereby conditionally
24 granted.

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

26 APPROVED AS TO FORM:
27 Boivin Boivin & Aspell
28 BY: Robert Boivin

Chairman
David C. Hayes
Member
Dee Kucoren
Member

CLUP and ZC 79-25
STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of
December 1979 at 10:23 o'clock A M., and duly recorded in Vol. M79
of Deeds on Page 28112.

FEE none
Commissioners Journal

WM. D. MILNE, County Clerk
By: Bernard Hetsch Deputy