

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE OR ZONE CHANGE NO. 79-45)
BY DONALD KEARNEY)

O R D E R

THIS MATTER having come for hearing upon the application of Donald Kearney for a Comprehensive Land Use Plan change from Multiple Density to Commercial General and Residential Recreation and a zone change from MHP (Mobile Home Park) to C-5 (Commercial Highway) and SP-1 (Rural Residential), by the Klamath County Planning Commission, on real property described at Township 24, Range 6, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, being Tax Lot 700, containing approximately 4 acres in size. Public hearings having been heard by the Klamath County Planning Commission on October 23, 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 November 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 in 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 No. 17, the Klamath County Zoning Ordinance:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE:

1. The Board of County Commissioners found site for change in Comprehensive Land Use Plan was located west of State Highway No. 58 and south of the Crescent Lake County Road, basically being in the northern portion of the county.

2. The Board of County Commissioners found site for change in the Comprehensive Land Use Plan for Commercial General was approximately 2 acres in size with the portion for Residential Recreation also being approximately 2 acres..

3. The Board of County Commissioners found site for change in zone to C-5 (Commercial Highway) to be approximately 2 acres in size and also found the site for zone change to SP-1 (Rural Residential) to be approximately 2 acres in size.

4. The Board of County Commissioners found that the size of each parcel was adequate in size and shape, and since the use was already there, the uses would not have an adverse effect on abutting properties.

5. The Board of County Commissioners found applicant had adequate access off of Highway No. 58 that would serve site, and that Highway No. 58 could handle the anticipated traffic volume from uses that are already in effect.

6. The Board of County Commissioners found per applicant's testimony on need that the change in land use and zone was to have changes conform with existing uses, that being an already established residence, and a commercial site being for a minor

1 auto repair and towing service.

2 7. The Board of County Commissioners found that notifi-
3 cation had been sent to adjacent land owners, also to those
4 agencies of concern, and also to the Herald and News, thus address-
5 ing L. C. D. C. Goal No. 1.

6 8. The Board of County Commissioners found that the
7 uses existed and that there were similar land use designations in
8 the surrounding area, therefore addressing L. C. D. C. Goal No. 2.

9 9. The Board of County Commissioners found applicant's
10 site for change in Comprehensive Land Use Plan on the approximate
11 4 acres had an existing septic tank and well for water and that
12 there are no problems with drainage.

13 10. The Board of County Commissioners found site for
14 change in Comprehensive Land Use Plan to provide a need of
15 recreation for the Crescent Lake area, therefore addressing L. C.
16 D. C. Goal No. 8.

17 11. The Board of County Commissioners found site for
18 change in Comprehensive Land Use Plan would also provide services
19 to the area and also increase the economy of the area, therefore
20 addressing L. C. D. C. Goal No. 9.

21 12. The Board of County Commissioners found site to be
22 served by electricity as well as by telephone, therefore addressing
23 L. C. D. C. Goal No. 11.

24 13. The Board of County Commissioners found site to have
25 frontage on State Highway No. 58 as well as Crescent Lake Road,
26 which both are paved and appear to be able to carry the kind of
27 traffic that would be generated by the existing use, therefore
28 addressing L. C. D. C. Goal No. 12.

1 14. The Board of County Commissioners found site for
2 change in Comprehensive Land Use Plan was in an area where there
3 are other services and that uses would help conserve energy,
4 therefore addressing L. C. D. C. Goal No. 13.

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

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

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

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

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

21 5. The proposed Comprehensive Land Use Plan change is
22 in keeping with land uses and improvements, trends in land devel-
23 opment, density of land development, and prospective needs for
24 development in the affected area.

25 FINDINGS OF FACT FOR ZONE CHANGE:

26 1. The Board of County Commissioners found site for
27 change in zone was located west of State Highway No. 58 and south
28 of the Crescent Lake County Road, basically being in the northern

1 portion of the county.

2 2. The Board of County Commissioners found site for
3 change in the Comprehensive Land Use Plan for Commercial General
4 was approximately 2 acres in size with the portion for Residential
5 Recreation also being approximately 2 acres.

6 3. The Board of County Commissioners found site for
7 change in zone to C-5 (Commercial Highway) to be approximately
8 2 acres in size and also found the site for zone change to SP-1
9 (Rural Residential) to be approximately 2 acres in size.

10 4. The Board of County Commissioners found that the
11 size of each parcel was adequate in size and shape, and since
12 the use was already there, the uses would not have an adverse
13 effect on abutting properties.

14 5. The Board of County Commissioners found applicant
15 had adequate access off of Highway No. 58 that would serve site
16 and that Highway No. 58 could handle the anticipated traffic
17 volume from uses that are already in effect.

18 6. The Board of County Commissioners found per appli-
19 cant's testimony on need that the change in land use and zone was
20 to have changes conform with existing uses, that being an already
21 established residence, and a commercial site being for a minor
22 auto repair and towing service.

23 7. The Board of County Commissioners found that notifi-
24 cation had been sent to adjacent land owners, also to those agen-
25 cies of concern and also to the Herald & News, thus addressing
26 L. C. D. C. Goal No. 1.

27 8. The Board of County Commissioners found that the
28 uses existed and that there were similar land use designations in

1 the surrounding area, therefore addressing L. C. D. C. Goal No. 2.

2 9. The Board of County Commissioners found applicant's
3 site for change in zone on the approximate 4 acres had an existing
4 septic tank and well for water and that there are no problems with
5 drainage.

6 10. The Board of County Commissioners found site for
7 change in zone to provide a need for recreation for the Crescent
8 Lake area, therefore addressing L. C. D. C. Goal No. 8.

9 11. The Board of County Commissioners found site for
10 change in zone would also provide services to the area, and also
11 increase the economy of the area, therefore addressing L. C. D. C.
12 Goal No. 9.

13 12. The Board of County Commissioners found site to be
14 served by electricity as well as by telephone, therefore address-
15 ing L. C. D. C. Goal No. 11.

16 13. The Board of County Commissioners found site to
17 have frontage on State Highway No. 58 as well as Crescent Lake
18 Road which both are paved and appear to be able to carry the kind
19 of traffic that would be generated by existing use, therefore
20 addressing L. C. D. C. Goal No. 12.

21 14. The Board of County Commissioners found site for
22 change in zone was in an area where there are other services and
23 that uses would help conserve energy, therefore addressing L. C.
24 D. C. Goal No. 13.

25 CONCLUSIONS OF LAW FOR ZONE CHANGE:

26 1. The property affected by the change of zone is
27 adequate in size and shape to facilitate those uses normally
28 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 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 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.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Multiple Density to Commercial General and Residential Recreation and zone change from MHP (Mobile Home Park) to C-5 (Commercial Highway) for Donald Kearney on the subject property is hereby granted.

DONE AND DATED THIS 9th DAY OF January 1980.

Chris A. Cheyne
Chairman

Neil Kuonen
Member

Harold L. Myrnes
Member

APPROVED AS TO FORM:

Boivin & Boivin

BY Robert Boivin

CLUP & ZC 79-45

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 14th day of January A.D., 19 80 at 223 o'clock P.M., and duly recorded in Vol 180 of Deeds on Page 664.

FEE No Fee

WM. D. MILNE, County Clerk

By Bernetha Shetch Deputy