

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-32)
BY GEORGE BROWN)

O R D E R

THIS MATTER having come on for hearing upon the application of George Brown for a Comprehensive Land Use Plan change from Agricultural to Commercial General and a zone change from AF (Agricultural Forestry) to CM (Commercial Manufacturing) by the Klamath County Planning Commission, on real property described as Township 39, Range 9, NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 7, being Tax Lot 700. Public hearings having been heard by the Klamath County Planning Commission on September 11, 1979; September 25, 1979; October 23, 1979; and November 27, 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 January 10, 1980, 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 MAP
3 CHANGE:

4 1. The Board of County Commissioners found site for
5 change in Comprehensive Land Use Plan and zone to be located north
6 of the Stewart Lennox area and east of Highway 140 with fronting
7 along Highway 140.

8 2. The Board of County Commissioners found site for
9 change in Comprehensive Land Use Plan and zone to have existing
10 access off of Highway 140.

11 3. The Board of County Commissioners found site for
12 change in Comprehensive Land Use Plan and zone for mini-warehouses
13 to be approximately 7 acres in size and rectangular in shape, and,
14 therefore site is suitable for use.

15 4. The Board of County Commissioners found existing
16 access to site is off of Highway 140 and also found the access to
17 be adequate to carry traffic that would be generated from proposed
18 use.

19 5. The Board of County Commissioners found site for
20 change in Comprehensive Land Use Plan and zone for mini-warehouses
21 would benefit the residential area, therefore no effect on sur-
22 rounding properties from this type of facility.

23 6. The Board of County Commissioners found proposed
24 use, that being mini-warehouses, that there is a need for this
25 was indicated by applicant per his testimony.

26 7. The Board of County Commissioners found notification
27 had been sent out to the surrounding property owners as well as
28 to those agencies of concern, and also to the local media for

1 advertisement, therefore addressing L. C. D. C. Goal No. 1.

2 8. The Board of County Commissioners found change in
3 land use to Commercial General would not have an effect on surround-
4 ing properties as this use would complement the area, therefore
5 addressing L. C. D. C. Goal No. 2.

6 9. The Board of County Commissioners found site had
7 poor soils and that site has been utilized as a dump in the past,
8 therefore making site unsuited for agriculture uses; therefore
9 addressing L. C. D. C. Goal No. 3.

10 10. The Board of County Commissioners found site has
11 no timber of commercial value and that the only trees on site were
12 juniper, therefore addressing L. C. D. C. Goal No. 4.

13 11. The Board of County Commissioners found site has
14 five to ten percent slopes, and therefore appears site is not
15 subject to natural disasters and hazards, therefore addressing
16 L. C. D. C. Goal No. 7.

17 12. The Board of County Commissioners found that mini-
18 warehouses would help meet recreational storage of recreational
19 vehicles of the area residents, therefore addressing L. C. D. C.
20 Goal No. 8.

21 13. The Board of County Commissioners found site for
22 change in Comprehensive Land Use Plan and zone, per testimony,
23 that as a result of the change there would be an economic impact
24 just from the construction as well as from the continued use of
25 the mini-warehouses, therefore addressing L. C. D. C. Goal No. 9.

26 14. The Board of County Commissioners found public
27 facilities was electricity that would be able to serve the propos-
28 ed use, that being mini-warehouses, therefore addressing L. C. D.
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1 C. Goal No. 11.

2 15. The Board of County Commissioners found site for
3 change in Comprehensive Land Use Plan and zone abutts Highway 140
4 and that there is an existing access to site, and that Highway
5 140 appears to be able to handle the traffic from the proposed
6 use, therefore addressing L. C. D. C. Goal No. 12.

7 16. The Board of County Commissioners found site to be
8 close to an urbanized area, but itself not developed for urban
9 use, therefore addressing L. C. D. C. Goal No. 14.

10 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
11 CHANGE:

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

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

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

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

27 5. The proposed Comprehensive Land Use Plan change is
28 in keeping with land uses and improvements, trends in land devel-

1 opment, and prospective needs for development in the affected
2 area.

3 FINDINGS OF FACT FOR ZONE CHANGE:

4 1. The Board of County Commissioners found site for
5 change in Comprehensive Land Use Plan and zone to be located
6 north of the Stewart Lennox area and east of Highway 140, with
7 fronting along Highway 140.

8 2. The Board of County Commissioners found site for
9 change in Comprehensive Land Use Plan and zone to have existing
10 access off of Highway 140.

11 3. The Board of County Commissioners found site for
12 change in Comprehensive Land Use Plan and zone for mini-ware-
13 houses to be approximately 7 acres in size and rectangular in
14 shape, and, therefore site is suitable for use.

15 4. The Board of County Commissioners found existing
16 access to site is off of Highway 140 and also found the access
17 to be adequate, and also found that Highway 140 appeared to be
18 adequate to carry traffic that would be generated from proposed
19 use.

20 5. The Board of County Commissioners found site for
21 change in Comprehensive Land Use Plan and zone for mini-warehouses
22 would benefit the residential area, therefore no effect on sur-
23 rounding properties from this type of facility.

24 6. The Board of County Commissionrs found proposed
25 use, that being mini-warehouses, that there is a need for this
26 was indicated by applicant per his testimony.

27 7. The Board of County Commissioners found notifica-
28 tion had been sent out to the surrounding property owners as

1 well as to those agencies of concern, and also the local media
2 for advertisement, therefore addressing L. C. D. C. Goal No. 1.

3 8. The Board of County Commissioners found change in
4 land use to Commercial General would not have an effect on
5 surrounding properties as this use would complement the area,
6 therefore addressing L. C. D. C. Goal No. 2.

7 9. The Board of County Commissioners found site had
8 poor soils and that site has been utilized as a dump in the past,
9 therefore addressing L. C. D. C. Goal No. 3.

10 10. The Board of County Commissioners found site had
11 no timber of commercial value and that the only trees on site
12 were juniper, therefore addressing L. C. D. C. Goal No. 4.

13 11. The Board of County Commissioners found site had
14 five to ten percent slopes and therefore appears site is not
15 subject to natural disasters and hazards, therefore addressing
16 L. C. D. C. Goal No. 7.

17 12. The Board of County Commissioners found that mini-
18 warehouses would help meet recreational storage of recreational
19 vehicles of the area residents, therefore addressing L. C. D. C.
20 Goal No. 8.

21 13. The Board of County Commissioners found site for
22 change in Comprehensive Land Use Plan and zone, per testimony,
23 that as a result of the change, there would be an economic
24 impact just from the construction as well as from the continued
25 use of the mini-warehouses, therefore addressing L. C. D. C.
26 Goal No. 9.

27 14. The Board of County Commissioners found public
28 facilities was electricity that would be able to serve the

1 proposed use, that being mini-warehouses, therefore addressing
2 L. C. D. C. Goal No. 11.

3 15. The Board of County Commissioners found site for
4 change in Comprehensive Land Use Plan and zone abutts Highway 140
5 and that there is an existing access to site, and that Highway
6 140 appears to be able to handle the traffic from the proposed
7 use, therefore addressing L. C. D. C. Goal No. 12.

8 16. The Board of County Commissioners found site to be
9 close to an urbanized area, but itself not developed for urban
10 use, therefore addressing L. C. D. C. Goal No. 14.

11 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Agricultural to Commercial General and zone change from AF (Agricultural-Forestry) to CM (Commercial Manufacturing) for George Brown on the subject property is hereby granted subject to the following condition listed hereinbelow.

CONDITION FOR COMPREHENSIVE LAND USE PLAN MAP CHANGE AND ZONE CHANGE:

1. Site for change in Comprehensive Land Use Plan and zone located in Township 39, Range 9, NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 7, being Tax Lot 700 and approximately 7 acres in size, is to be used for development of mini-warehouses only.

DONE AND DATED THIS 25th DAY OF January, 1980.

Alvin A. E. Payne
Chairman

Neil Kuonen
Member

Floyd L. Wynne
Member

APPROVED AS TO FORM:
Boivin & Boivin

By Robert Brown

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

Klamath County
on this 28th day of January A.D. 1980
at 10:05 o'clock A M, and duly
recorded in Vol. N80 of Deeds
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Wm D. Milne, County Clerk

By Richard H. Letch Deputy

Fee None