

85300

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 80-5)
BY JULEE PIERRE)

O R D E R

THIS MATTER having come on for hearing upon the application of Julee Pierre for a Comprehensive Land Use Plan change from Suburban Density to Commercial General and a zone change from RD 40,000 (Single Family Residential) to C-5 (Commercial General), by the Klamath County Planning Commission, on real property described as Township 27, Range 8, SW $\frac{1}{4}$, SW $\frac{1}{4}$, of Section 21, being Tax Lot 700 and 800. Public hearings having been heard by the Klamath County Planning Commission on March 11, 1980, 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 April 23, 1980, wherefrom the testimony at said hearing it appeared that the record was accurate and complete and it appears 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

180 JUN 9 AM 11 51

1 Ordinance No. 17, the Klamath County Zoning Ordinance: 10485

2 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE

3 1. The Board of Commissioners found site for change
4 in Comprehensive Land Use Plan and zone to be located in the
5 town of Chemult and located on east side of Highway 97.

6 2. The Board of Commissioners found site for change
7 in Comprehensive Land Use Plan and zone to be approximately
8 3.1 acres in size and rectangular in shape.

9 3. The Board of Commissioners found the proposed
10 use being a restaurant, to have access off of Highway 97.

11 4. The Board of Commissioners found that proper
12 notification had been given to surrounding property owners
13 as well as to those agencies of concern therefore addressing
14 L.C.D.C. Goal No. 1.

15 5. The Board of Commissioners found that the Land
16 Use Trends in the area were that of Commercial and that the
17 proposed use being a restaurant would not be an adverse affect
18 to surrounding properties, therefore addressing L.C.D.C.
19 Goal No. 2.

20 6. The Board of Commissioners found site to be
21 approximately 3.1 acres and no trees of commercial value as
22 trees were of Lodgepole and therefore addressing L.C.D.C.
23 Goal No. 4.

24 7. The Board of Commissioners found site not to be
25 in a wildlife area, therefore addressing L.C.D.C. Goal No. 5.

26 8. The Board of Commissioners found site for change
27 in Comprehensive Land Use Plan and zone to have water by a
28 private well and will have sewer by septic tank, once approved

1 by D.E.Q., therefore addressing L.C.D.C. Goal No. 6.

2 9. The Board of Commissioners found site for change
3 in Comprehensive Land Use Plan and zone was for commercial
4 development such as a restaurant and per testimony from
5 applicant, the proposed use would increase the economy of
6 the Chemult area therefore addressing L.C.D.C. Goal No. 9.

7 10. The Board of Commissioners found public
8 facilities to site for change in Comprehensive Land Use Plan
9 and Zone are electricity and telephone. Site is also within
10 a fire district, therefore addressing L.C.D.C. Goal No. 11.

11 11. The Board of Commissioners found State Highway
12 97 is a paved highway and it appears that highway is able to
13 handle the traffic that would be generated from the proposed
14 restaurant, therefore addressing L.C.D.C. Goal No. 12.

15 12. The Board of Commissioners found site for change
16 in Comprehensive Land Use Plan and zone is close to sources of
17 energy and that site is in an area where there are urban type
18 developments taking place, therefore addressing L.C.D.C.
19 Goals 13 and 14.

20 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN
21 CHANGE:

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

25 2. The property affected by the proposed Comprehen-
26 sive Land Use Plan change is properly related to streets and
27 highways to adequately serve the type of traffic generated by
28 such uses that may be permitted therein.

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

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

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

13 FINDINGS OF FACT FOR ZONE CHANGE:

14 1. The Board of Commissioners found site for change
15 in Comprehensive Land Use Plan and zone to be located in the
16 town of Chemult and located on east side of Highway 97.

17 2. The Board of Commissioners found site for change
18 in Comprehensive Land Use Plan and zone to be approximately
19 3.1 acres in size and rectangular in shape.

20 3. The Board of Commissioners found that proposed
21 use being a restaurant, to have access off of Highway 97.

22 4. The Board of Commissioners found that proper
23 notification had been given to surrounding property owners
24 as well as to those agencies of concern therefore addressing
25 L.C.D.C. Goal No. 1.

26 5. The Board of Commissioners found that the Land
27 Use Trends in the area were that of Commercial and that the
28 proposed use being a restaurant would not be an adverse effect

1 to surrounding properties, therefore addressing L.C.D.C.

2 Goal No. 2.

3 6. The Board of Commissioners found site to be
4 approximately 3.1 acres and no trees of commercial value as
5 trees were of Lodgepole and therefore addressing L.C.D.C.

6 Goal No. 4.

7 7. The Board of Commissioners found site to be
8 in a wildlife area, therefore addressing L.C.D.C. Goal No. 5.

9 8. The Board of Commissioners found site for change
10 in Comprehensive Land Use Plan and Zone to have water by a
11 private well and will have sewer by septic tank, once approved
12 by D.E.Q., therefore addressing L.C.D.C. Goal No. 6.

13 9. The Board of Commissioners found site for change
14 in Comprehensive Land Use Plan and Zone was for commercial
15 development such as a restaurant and per testimony from
16 applicant, the proposed use would increase the economy of
17 the Chemult area therefore addressing L.C.D.C. Goal No. 9.

18 10. The Board of Commissioners found public
19 facilities to site for change in Comprehensive Land Use Plan
20 and Zone are electricity and telephone. Site is also within
21 a fire district, therefore addressing L.C.D.C. Goal No. 11.

22 11. The Board of Commissioners found State Highway
23 97 is a paved highway and it appears that highway is able to
24 handle the traffic that would be generated from the proposed
25 restaurant, therefore addressing L.C.D.C. Goal No. 12.

26 12. The Board of Commissioners found site for change
27 in Comprehensive Land Use Plan and Zone is close to sources of
28 energy and that site is in an area where there are urban type

1 developments taking place, therefore addressing L.C.D.C.

2 Goals 13 and 14.

3 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

21 NOW, THEREFORE, it is hereby ordered that the appli-
22 cation for the Comprehensive Land Use Plan change from:
23 Suburban Density to Commercial General and zone change from
24 RD 40,000 (Single Family Residential) to C-5 (Commercial
25
26
27
28

1 Highway) for Julee Pierre on the subject property is hereby
 2 granted.

3 DONE AND DATED THIS 5th DAY OF June, 1980.

4 Arvin A. Thayne
 5 CHAIRMAN OF THE BOARD

6 Neil Peterson
 7 COUNTY COMMISSIONER

8 Harold L. Milne
 9 COUNTY COMMISSIONER

10 APPROVED AS TO FORM:
 11 BOIVIN & BOIVIN

12 By: Wanda Bruma
 13 County Legal Counsel

14 STATE OF OREGON; COUNTY OF KLAMATH; ss.

15 led for record at request of Klamath County
 16 this 9th day of June A. D. 1980 at 11:51 clock AM. and
 17 duly recorded in Vol. M80, of Deeds on Page 10487

18 Wm D. MILNE, County Clerk

19 By: Linnea Whitcomb

20 No Fee