

92768

BOARD OF COUNTY COMMISSIONERS

Vol. 170 Page 22567

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)  
FOR COMPREHENSIVE LAND USE PLAN )  
CHANGE AND ZONE CHANGE NO. 80-39 )  
FOR EDGAR BLODGETT )

O R D E R

THIS MATTER having come on for hearing upon the applica-  
tion of Edgar Blodgett for a Comprehensive Land Use Plan change  
from Agricultural to Commercial Recreation and a zone change from  
AF (Agricultural Forestry) to SP-11 (Marina) by the Klamath County  
Planning Commission, on real property described as a portion of  
Township 35, Range 7, Section 30, being a portion of Tax Lot 101,  
Klamath County, Oregon. Public hearings having been heard by the  
Klamath County Planning Commission on August 26, 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 September 30, 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  
No. 17, the Klamath County Zoning Ordinance:

NOV 29 AM 10 17

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP  
CHANGE:

1. The Board of County Commissioners found that the property, located west of the Williamson River with Highway No. 427 abutting the site to the south side near the Williamson River Store, is adequate in size and shape for the proposed use as a marina and parking area.

2. The Board of County Commissioners found that there is a marina near the site on the opposite side of the river.

3. The Board of County Commissioners found that the need for the change is to provide additional recreational support facilities in the area.

4. The Board of County Commissioners found that the surrounding property owners were notified as were certain agencies and the Herald and News, therefore addressing L. C. D. C. Goal No.1.

5. The Board of County Commissioners found that there will be no adverse effect on surrounding properties which are zoned AF (Agricultural Forestry) and RA (Residential Agricultural), therefore addressing L. C. D. C. Goal No. 2 and Ordinance No. 17.

6. The Board of County Commissioners found that although the area is located within a critical spawning area indicated by the Wildlife Habitat Map, there were no objections from the Fish & Wildlife, therefore addressing L. C. D. C. Goal No. 5.

7. The Board of County Commissioners found that the Planning Commission shall take testimony regarding any possible contamination, which could be discharged into the river, therefore addressing L. C. D. C. Goal No. 6.

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1 8. The Board of County Commissioners found that the bank  
2 has been inspected and approved by the Core of Engineers.

3 9. The Board of County Commissioners found that the site  
4 will provide recreational uses, therefore addressing L. C. D. C.  
5 Goal No. 8.

6 10. The Board of County Commissioners found that the  
7 change could help the economy of the area since there is an exist-  
8 ing store approximately 400 feet from the site, therefore address-  
9 ing L. C. D. C. Goal No. 9.

10 11. The Board of County Commissioners found that the site  
11 has access off of Highway No. 427 which access is adequate to  
12 serve any anticipated traffic volumes, therefore addressing L. C.  
13 D. C. Goal No. 12.

14 12. The Board of County Commissioners found that the  
15 site will allow for more efficient usage of docking and parking  
16 facilities, therefore addressing L. C. D. C. Goal No. 13.

17 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP  
18 CHANGE:

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

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

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

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

5           5. The proposed Comprehensive Land Use Plan change is in  
6 keeping with land uses and improvements, trends in land develop-  
7 ment, density of land development, and prospective needs for  
8 development in the affected area.

9           FINDINGS OF FACT FOR ZONE CHANGE:

10           1. The Board of County Commissioners found that the  
11 property, located west of the Williamson River with Highway No.  
12 427 abutting the site to the south side near the Williamson River  
13 Store, is adequate in size and shape for the proposed use as a  
14 marina and parking area.

15           2. The Board of County Commissioners found that there is  
16 a marina near the site on the opposite side of the river.

17           3. The Board of County Commissioners found that the  
18 need for the change is to provide additional recreational support  
19 facilities in the area.

20           4. The Board of County Commissioners found that the  
21 surrounding property owners were notified as were certain  
22 agencies and the Herald and News, therefore addressing L. C. D. C.  
23 Goal No. 1.

24           5. The Board of County Commissioners found that there  
25 will be no adverse effect on surrounding properties which are  
26 zoned AF (Agricultural Forestry) and RA (Residential Agricultur-  
27 al), therefore addressing L. C. D. C. Goal No. 2 of Ordinance No.  
28 17.

1           6. The Board of County Commissioners found that although  
2 the area is located within a critical spawning area indicated by  
3 the Wildlife Habitat Map, there were no objections from the Fish  
4 & Wildlife, therefore addressing L. C. D. C. Goal No. 5.

5           7. The Board of County Commissioners found that the  
6 Planning Commission shall take testimony regarding any possible  
7 contamination, which could be discharged into the river, therefore  
8 addressing L. C. D. C. Goal No. 6.

9           8. The Board of County Commissioners found that the bank  
10 has been inspected and approved by the Core of Engineers.

11           9. The Board of County Commissioners found that the site  
12 will provide recreational uses, therefore addressing L. C. D. C.  
13 Goal No. 8.

14           10. The Board of County Commissioners found that the  
15 change could help the economy of the area since there is an exist-  
16 int store approximately 400 feet from the site, therefore address-  
17 ing L. C. D. C. Goal No. 9.

18           11. The Board of County Commissioners found that the  
19 site has access off of Highway No. 427 which access is adequate  
20 to serve any anticipated traffic volumes, therefore addressing  
21 L. C. D. C. Goal No. 12.

22           12. The Board of County Commissioners found that the  
23 site will allow for more efficient usage of docking and parking  
24 facilities, therefore addressing L. C. 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.

affected area.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Agricultural to Commercial Recreation and zone change from AF (Agricultural Forestry) to SP-11 (Marina) for Edgar Blodgett on the subject property, is hereby granted.

*15th November 1960*

DONE AND DATED THIS 18<sup>th</sup> DAY OF November, 1982

Chairman

Member

Member

APPROVED AS TO FORM:

Boivin &amp; Boivin

BY

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

STATE OF OREGON; COUNTY OF KLAMATH;ss.  
I hereby certify that the within instrument was received and filed for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and duly recorded.

20th day of November A.D., 19 80 at 10:17 o'clock A.M., and duly recorded.

M80 of Deeds on page 22567

none

WM. D. MILNE, County Clerk  
by *Benjamin H. Litch* Deputy