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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE 80-24 BY) O R D E R
DuWAINE MATTHEWS, KLAMATH RADIOLOGY)
ASSOCIATION, P.C.)

THIS MATTER having come on for hearing upon the applica-
tion of DuWaine Matthews, Klamath Radiology Association, P.C.,
for a Comprehensive Land Use Plan change from Agricultural to
Commercial General and a zone change from A (Agricultural) to
C-5 (Commercial Highway) by the Klamath County Planning Commission
on real property described as Tax Lot 5801, SW $\frac{1}{4}$ of Section 7,
Township 38, Range 9 and Tax Lot 1601 and 1701, NW $\frac{1}{4}$, Township 38,
Range 9, Klamath County, Oregon. Public hearings having been
heard by the Klamath County Planning Commission on June 24, 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 recom-
mended 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 August 7,
1980, wherefrom the testimony at said hearing it appeared that the
record below 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 pro-
perty, should be granted.

The Board of County Commissioners makes the following

1 Findings of Fact and Conclusions of Law as required by Ordinance
2 No. 17, the Klamath County Zoning Ordinance:

3 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
4 CHANGE:

5 1. The Board of County Commissioners finds that the
6 size and shape of the property is adequate for the proposed uses
7 for Commercial Highway businesses.

8 2. The Board of County Commissioners finds that the
9 need for the change on the site, which is located west of Highway
10 97 and east of the Southern Pacific Railroad, is to bring the
11 Comprehensive Land Use Plan and zone change into conformance with
12 the surrounding properties.

13 3. The Board of County Commissioners finds that notifi-
14 cation was sent to surrounding property owners, concerned agencies,
15 the North Suburban Area Committee, and the Herald and News, there-
16 by addressing LCDC Goal 1.

17 4. The Board of County Commissioners finds that there
18 will be no adverse effect on surrounding properties and that the
19 land use trends in the area are for Highway Commercial businesses,
20 thereby addressing LCDC Goal 2.

21 5. The Board of County Commissioners finds that a portion
22 of the site appears to be in a flood hazard area, thereby address-
23 ing LCDC Goal 7.

24 6. The Board of County Commissioners finds that the
25 Comprehensive Land Use Plan and Zone Change would change approxi-
26 mately 15.7 acres from A (Agriculture) to C-5 (Commercial Highway)
27 and would increase the economy of the area from a commercial
28 standpoint, thereby addressing LCDC Goal 9.

1 7. The Board of County Commissioners finds ²²⁵⁷⁵ ~~that~~
2 site abutts Highway 97 and that the State Highway Department indi-
3 cates they will allow one access off of Highway 97 for each
4 parcel. The access is, therefore, adequate to serve any antici-
5 pated traffic volumes, thereby addressing LCDC Goal 12.

6 8. The Board of County Commissioners finds that the
7 site is close to the urban area where there are sources of energy
8 and lies within the proposed Urban Growth Boundary, thereby
9 addressing LCDC Goals 13 and 14.

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

12 1. The property affected by the Comprehensive Land Use
13 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 will
20 have no adverse effect or only limited adverse effect on any pro-
21 perty or the permitted uses thereof within the affected area.

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

26 5. That the proposed Comprehensive Land Use Plan change
27 is in keeping with land uses and improvements, trends in land
28 development, density of land development, and prospective needs

1 needs for development in the affected area.

2 FINDINGS OF FACT FOR ZONE CHANGE:

3 1. The Board of County Commissioners finds that the
4 size and shape of the property is adequate for the proposed uses
5 for Commercial Highway businesses.

6 2. The Board of County Commissioners finds that the
7 need for the change on the site, which is located west of Highway
8 97 and east of the Southern Pacific Railroad, is to bring the
9 Comprehensive Land Use Plan and zone change into conformance with
10 the surrounding properties.

11 3. The Board of County Commissioners finds that notifi-
12 cation was sent to surrounding property owners, concerned agencies,
13 the North Suburban Area Committee, and the Herald and News, there-
14 by addressing LCDC Goal 1.

15 4. The Board of County Commissioners finds that there
16 will be no adverse effect on surrounding properties and that the
17 land use trends in the area are for Highway Commercial businesses,
18 thereby addressing LCDC Goal 2.

19 5. The Board of County Commissioners finds that a por-
20 tion of the site appears to be in a flood hazard area, thereby
21 addressing LCDC Goal 7.

22 6. The Board of County Commissioners finds that the
23 Comprehensive Land Use Plan and Zone Change would change approxi-
24 mately 15.7 acres from A (Agriculture) to C-5 (Commercial Highway)
25 and would increase the economy of the area from a commercial
26 standpoint, thereby addressing LCDC Goal 9.

27 7. The Board of County Commissioners finds that the site
28 abutts Highway 97 and that the State Highway Department indicates

1 they will allow one access off of Highway 97 for each parcel. The
2 access is, therefore, adequate to serve any anticipated traffic
3 volumes, thereby addressing LCDC Goal 12.

4 8. The Board of County Commissioners finds that the
5 site is close to the urban area where there are sources of energy
6 and lies within the proposed Urban Growth Boundary, thereby
7 addressing LCDC Goals 13 and 14.

8 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

16 3. That the proposed change of zone will have no adverse
17 effect or only limited adverse effect on any property or the per-
18 mitted uses thereof within the affected area.

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

22 5. That the proposed change of zone is in keeping with
23 land uses and improvements, trends in land development, density
24 of land development, and prospective needs for development in the
25 affected area.

26 NOW, THEREFORE, it is hereby ordered that the application
27 for the Comprehensive Land Use Plan change from Agriculture to
28 Commercial General and Zone Change from A (Agricultural) to C-5

22578

(Commercial Highway) for DuWaine Matthews, Klamath Radiology Association, P.C. on the subject property is hereby granted.

DONE AND DATED THIS 19th DAY OF November, 1980.

Alvin A. Lippert
CHAIRMAN OF THE BOARD

Joe Kocourek
COUNTY COMMISSIONER

Donald L. Hyslop
COUNTY COMMISSIONER

APPROVED AS TO FORM:
Boivin & Boivin

By: Robert D. Boivin
County Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
this 20th day of November A. D. 1980 at 10:17 o'clock A.M., and
duly recorded in Vol. M80, of Deeds on Page 22573

Wm D. MILNE, County Clerk
By: Robert D. Boivin

No Fee