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BOARD OF COUNTY COMMISSIONERS

Vol. m
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KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 80-36)
BY PATRICIA WARNER)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Patricia Warner for a Comprehensive Land Use Plan Change
from Urban Density to Commercial General and a zone change from
RA (Residential Agricultural) and RD 10,000 (Single Family Resi-
dential) to C-5 (Commercial Highway) by the Klamath County Plann-
ing Commission on real property described as a portion of Section
2, Township 39, Range 9, being Tax Lots 3600 and 3700, Klamath
County, Oregon. Public hearings having been heard by the
Klamath County Planning Commission on July 22, 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 August 27, 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 that the
5 size and shape of the property, located east of Etna Street and
6 seventy-five feet south of Cottage Avenue, is adequate in size
7 and shape for the proposed use as a retail sales outlet.

8 2. The Board of County Commissioners found that the need
9 for the change is that the new master plan indicates that this is
10 an area for commercial development.

11 3. The Board of County Commissioners found that notice
12 has been sent to surrounding property owners, concerned agencies,
13 and to the Herald and News, therefore addressing L. C. D. C.
14 Goal No. 1.

15 4. The Board of County Commissioners found that the land
16 use trends in the area are toward commercial development and that
17 the effect of the change on surrounding properties would be mini-
18 mal. The surrounding Comprehensive Land Use Plan and zone classi-
19 fications are Commercial General, C-5 (Commercial Highway),
20 RD 5,000 (Single Family Residential), and RD 10,000 (Single
21 Family Residential); the proposed master plan use is Commercial,
22 therefore addressing L. C. D. C. Goal No. 2.

23 5. The Board of County Commissioners found that a
24 commercial development on this site could add to employment and
25 improve the Klamath Falls economy, therefore addressing L. C. D.
26 C. Goal No. 9.

27 6. The Board of County Commissioners found that all
28 necessary utilities and services serve the area, therefore

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1 addressing L. C. D. C. Goal No. 11.

2 7. The Board of County Commissioners found that the site
3 has frontage on a paved road with easy access to the Eastside
4 Bypass and South Sixth Street, and that the access off of Etna
5 Street appears adequate for C-5 (Commercial Highway) usage. Some
6 road improvements may be necessary depending on how the site is
7 developed. These statements address L. C. D. C. Goal No. 12.

8 8. The Board of County Commissioners found that expanding
9 a commercial area could provide for energy conservation in that
10 more services would be available at a single site within the urban
11 area, therefore addressing L. C. D. C. Goals Nos. 13 and 14
12 respectively.

13 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
14 CHANGE:

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

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

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

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

1 5. The proposed Comprehensive Land Use Plan change is in
2 keeping with land uses and improvements, trends in land develop-
3 ment, and prospective needs for development in the affected area.

4 FINDINGS OF FACT FOR ZONE CHANGE:

5 1. The Board of County Commissioners found that the size
6 and shape of the property, located east of Etna Street and seventy
7 five feet south of Cottage Aveneu, is adequate in size and shape
8 for the proposed use as a retail sales outlet.

9 2. The Board of County Commissioners found that the need
10 for the change is that the new master plan indicates that this is
11 an area for commercial development.

12 3. The Board of County Commissioners found that notice
13 had been sent to surrounding property owners, concerned agencies,
14 and to the Herald and News, therefore addressing L. C. D. C. Goal
15 No. 1.

16 4. The Board of County Commissioners found that the land
17 use trends in the area are toward commercial development and that
18 the effect of the change on surrounding properties would be mini-
19 mal. The surrounding Comprehensive Land Use Plan and zone classi-
20 fications are Commercial General, C-5 (Commercial Highway),
21 RD 5,000 (Single Family Residential) and RD 10,000 (Single Family
22 Residential); the proposed master plan use is Commercial, there-
23 fore addressing L. C. D. C. Goal No. 2.

24 5. The Board of County Commissioners found that a
25 commercial development on this site could add to employment and
26 improve the Klamath Falls economy, therefore addressing L. C. D.
27 C. Goal No. 9.

28 6. The Board of County Commissioners found that all

1 necessary utilities and services serve the area, therefore
2 addressing L. C. D. C. Goal No. 11.

3 7. The Board of County Commissioners found that the site
4 has frontage on a paved road with easy access to the Eastside
5 Bypass and South Sixth Street, and that the access off of Etna
6 Street appears adequate for C-5 (Commercial Highway) usage. Some
7 road improvements may be necessary depending on how the site is
8 developed. These statements address L. C. D. C. Goal No. 12.

9 8. The Board of County Commissioners found that expanding
10 a commercial area could provide for energy conservation in that
11 more services would be available at a single site within the urban
12 area, therefore addressing L. C. D. C. Goals Nos. 13 and 14
13 respectively.

14 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

28 5. The proposed change of zone is in keeping with land

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1 uses and improvements, trends in land development, density of
2 land development and prospective needs for development in the
3 affected area.

4 NOW, THEREFORE, it is hereby ordered that the application
5 for the Comprehensive Land Use Plan change from Urban Density to
6 Commercial General and zone change from RA (Residential Agricul-
7 tural) and RD 10,000 (Single Family Residential) to C-5 (Commercial
8 Highway) for Patricia Warner on the subject property, is hereby
9 granted.

10 DONE AND DATED THIS 18th DAY OF November, 1980.

11
12 Alvin A. Elmer
13 Chairman

14
15 Wm. K. Koonen
16 Member

17
18 Hayd L. Kyrine
19 Member

20 APPROVED AS TO FORM:
21 Boivin & Boivin

22 BY [Signature]

23 STATE OF OREGON; COUNTY OF KLAMATH; ss.

24 Filed for record at request of Klamath County
25 this 20th day of November A. D. 19 80 at 10:18 o'clock A. M.
26 duly recorded in Vol. M80, of Deeds on Page 22579

27 Wm D. MILNE, County Cler

28 By [Signature]

No Fee