

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

94654

IN THE MATTER OF THE APPLICATION
 FOR THE COMPREHENSIVE LAND USE)
 PLAN CHANGE AND ZONE CHANGE NO.)
 80-34 BY JOHN R. MILLER)

O R D E R

THIS MATTER having come on for hearing upon the application of John R. Miller for a Comprehensive Land Use Plan change from Commercial and Agricultural to Commercial and a zone change from C-5 (Commercial Highway) to CM (Commercial Manufacturing), by the Klamath County Planning Commission, on real property described as Tax Lot 4800, located in the SW $\frac{1}{4}$ of Section 7, Township 38, Range 9. 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 September 11, 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:

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FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN MAP
CHANGE:

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1. The Board of County Commissioners found that the zoning and Comprehensive Land Use Plan on surrounding parcels is mostly commercial and that the applicant's proposed use would be consistent with development trends in the area, therefore addressing L. C. D. C. Goal No. 2.

2. The Board of County Commissioners found that the lot is 2.03 acres in size and that there is adequate room for the 26 storage units proposed.

3. The Board of County Commissioners found that access to the site would be from Highway No. 97 which is adequate to handle any traffic generated by the proposed use, therefore addressing L. C. D. C. Goal No. 12.

4. The Board of County Commissioners found that the applicant has made adequate provisions to handle drainage on the property and that the drainage plan has been approved by the County Public Works Director and by the State Highway Department, therefore addressing L. C. D. C. Goal No. 7.

5. The Board of County Commissioners found that development of the proposed mini-warehouses would allow for a fuller use of a currently underutilized commercial property, therefore addressing L. C. D. C. Goal No. 9.

6. The Board of County Commissioners found that notice of the hearings on this matter was sent to neighboring property owners, the North Suburban Area Committee, and to concerned agencies, therefore addressing L. C. D. C. Goal No. 1.

7. The Board of County Commissioners found that present

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1 utilities are adequate and that additional public facilities or
2 services are not required, therefore addressing L. C. D. C. Goal
3 No. 11.

4 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
5 CHANGE:

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

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

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

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

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

24 FINDINGS OF FACT FOR ZONE CHANGE:

25 1. The Board of County Commissioners found that the
26 zoning and Comprehensive Land Use Plan on surrounding parcels is
27 mostly commercial and that the applicant's proposed use would be
28 consistent with development trends in the area, therefore
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1 addressing L. C. D. C. Goal No. 2.

2 2. The Board of County Commissioners found that the lot
3 is 2.03 acres in size and that there is adequate room for the
4 26 storage units proposed.

5 3. The Board of County Commissioners found that access
6 to the site would be from Highway No. 97 which is adequate to
7 handle any traffic generated by the proposed use, therefore
8 addressing L. C. D. C. Goal No. 12.

9 4. The Board of County Commissioners found that the
10 applicant has made adequate provisions to handle drainage on the
11 property and that the drainage plan has been approved by the
12 County Public Works Director and by the State Highway Department,
13 therefore addressing L. C. D. C. Goal No. 7.

14 5. The Board of County Commissioners found that develop-
15 ment of the proposed mini-warehouses would allow for a fuller use
16 of a currently underutilized commercial property, therefore
17 addressing L. C. D. C. Goal No. 9.

18 6. The Board of County Commissioners found that notice
19 of the hearings on this matter was sent to neighboring property
20 owners, the North Suburban Area Committee, and to concerned
21 agencies, therefore addressing L. C. D. C. Goal No. 1.

22 7. The Board of County Commissioners found that present
23 utilities are adequate and that additional public facilities or
24 services are not required, therefore addressing L. C. D. C. Goal
25 No. 11.

26 CONCLUSIONS OF LAW FOR ZONE CHANGE;

27 1. The property affected by the change of zone is
28 adequate in size and shape to facilitate those uses normally

1 allowed in conjunction with such zoning.

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

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

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

12 5. The proposed change of zone is in keeping with
13 land uses and improvements, trends in land development, density
14 of land development and prospective needs for development in the
15 affected area.

16 NOW, THEREFORE, it is hereby ordered that the application
17 for the Comprehensive Land Use Plan change from Commercial and
18 Agricultural to Commercial and zone change from C-5 (Commercial
19 Highway) to CM (Commercial Manufacturing) for John R. Miller on
20 the subject property, is hereby granted.

21 DONE AND DATED THIS 1st DAY OF January, 1981.

22 Neil Kuonen
23 Chairman

24 Harold L. Wynne
25 Member

26 Cheri A. Cheyne
27 Member

28 APPROVED AS TO FORM:
Boivin & Boivin
By Boivin & Boivin

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the
12th day of January A.D., 1981 at 2:58 o'clock P M., and duly recorded in
Vol. M81 of Deeds on page 563.

Fee \$ None

Commissioners Journal

EVELYN BIEHN
ACTING COUNTY CLERK
by Bernetha H. Hatcher Deputy