

KLAMATH COUNTY, OREGON

1 95786

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3 IN THE MATTER OF THE APPLICATION)
4 FOR COMPREHENSIVE LAND USE PLAN)
5 CHANGE AND ZONE CHANGE NO. 80-48)
6 BY LOUIS DRAGER)

O R D E R

7 THIS MATTER having come on for hearing upon the applica-
8 tion of Louis Drager for a Comprehensive Land Use Plan Map change
9 from Agricultural to Commercial General and a zone change from
10 AF (Agricultural Forestry) to C-5 (Commercial Highway), by the
11 Klamath County Planning Commission, on real property described
12 as Township 41, Range 11, SW $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 15, being a portion
13 of Tax Lot 125. Public hearings having been heard by the Klamath
14 County Planning Commission on October 28, 1980, wherefrom the
15 testimony, reports, and information produced at the hearing by the
16 applicant, members of the Planning Department and other persons
17 in attendance, the Planning Commission recommended approval to
18 the Board of County Commissioners. Following action by the
19 Planning Commission, a public hearing before the Board of County
20 Commissioners was regularly held on December 8, 1980, wherefrom
21 the testimony at said hearing it appeared that the record below
22 was accurate and complete and it appeared from the testimony,
23 reports and exhibits introduced at the hearing before the Planning
24 Commission that the application for a change of Comprehensive
25 Land Use Plan and zone change for the subject property, should
26 be granted.

27 The Board of County Commissioners makes the following
28 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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3 1. The Board of County Commissioners found that the
4 existing and surrounding Comprehensive Land Use Plan and zone
5 classifications consist of a mixture of AF (Agricultural
6 Forestry), and some commercial and some residential uses.
- 7 2. The Board of Commissioners found that the property
8 is approximately 140 feet x 140 feet which is adequate for the
9 proposed use.
- 10 3. The Board of County Commissioners found that the site
11 is located north of Stateline Road about 400 feet east of its
12 intersection with Highway No. 39 located near Hatfield.
- 13 4. The Board of County Commissioners found that the pro-
14 posed use of the property would be for a commercial building.
- 15 5. The Board of County Commissioners found that the
16 property access would be from Stateline Road which would adequately
17 serve any anticipated traffic volume.
- 18 6. The Board of County Commissioners found that there
19 will be little, if any, effect on surrounding properties by this
20 change, as there are other commercial uses in the surrounding
21 area, such as agricultural related businesses and residences.
- 22 7. The Board of County Commissioners found that the need
23 for change is to utilize an existing vacant building for commer-
24 cial uses, and the building has been previously used in the past
25 as a commercial building.
- 26 8. The Board of County Commissioners found that the
27 Planning Department sent notification to surrounding property
28 owners, and to agencies of concern, as well as the Merrill Area
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1 Committee, therefore addressing L. C. D. C. Goal No. 1.

2 9. The Board of County Commissioners found that there
3 are no trees of commercial value on the site as the site for
4 change is 140 feet by 140 feet, and also not of an agricultural
5 value, therefore addressing L. C. D. C. Goal No. 4.

6 10. The Board of County Commissioners found that the
7 site for change in the Comprehensive Land Use Plan and zone change
8 does not effect those Items A through L of Goal No. 5, therefore
9 addressing L. C. D. C. Goal No. 5.

10 11. The Board of County Commissioners found that the
11 site has a septic tank and water by individual well, therefore
12 addressing L. C. D. C. Goal No. 6.

13 12. The Board of County Commissioners found that the
14 site for change could possibly improve the economy of the area
15 as commercial uses would be for an office building, therefore
16 addressing L. C. D. C. Goal No. 9.

17 13. The Board of County Commissioners found site has
18 electricity plus water from an individual well, therefore address-
19 ing L. C. D. C. Goal No. 11.

20 14. The Board of County Commissioners found that State-
21 line Road allows transportation to and from the site and that the
22 road is a paved road and appears to be able to carry the kind of
23 traffic that would be generated, therefore addressing L. C. D. C.
24 Goal No. 12.

25 15. The Board of County Commissioners found that the site
26 is in an area where there are other commercial uses, but is not
27 within an Urban Growth Boundary, therefore addressing L. C. D.
28 C. Goal No. 14.

1 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
2 CHANGE:

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

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

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

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

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

21 FINDINGS OF FACT FOR ZONE CHANGE:

22 1. The Board of County Commissioners found that the
23 existing and surrounding Comprehensive Land Use Plan and zone
24 classifications consist of a mixture of AF (Agricultural-Forestry)
25 and some commercial and some residential uses.

26 2. The Board of County Commissioners found that the
27 property is approximately 140 feet by 140 feet which is adequate
28 for the proposed use.

1 3. The Board of County Commissioners found that the
2 site is located north of Stateline Road about 400 feet east of
3 its intersection with Highway No. 39 located near Hatfield.

4 4. The Board of County Commissioners found that the
5 proposed use of the property would be for a commercial building.

6 5. The Board of County Commissioners found that the
7 property access would be from Stateline Road which would adequately
8 serve any anticipated traffic volume.

9 6. The Board of County Commissioners found that there
10 will be little, if any, effect on surrounding properties by this
11 change, as there are other commercial uses in the surrounding
12 area, such as agricultural related businesses and residences.

13 7. The Board of County Commissioners found that the need
14 for change is to utilize an existing vacant building for commercial
15 uses, and the building has been previously used in the past
16 as a commercial building.

17 8. The Board of County Commissioners found that the
18 Planning Department sent notification to surrounding property
19 owners, and to agencies of concern, as well as the Merrill Area
20 Committee, therefore addressing L. C. D. C. Goal No. 1.

21 9. The Board of County Commissioners found that there
22 are no trees of commercial value on the site as the site for
23 change is 140 feet by 140 feet, and also not of an agricultural
24 value, therefore addressing L. C. D. C. Goal No. 4.

25 10. The Board of County Commissioners found that the
26 site for change in the Comprehensive Land Use Plan and zone change
27 does not effect those Items A through L of Goal No. 5, therefore
28 addressing L. C. D. C. Goal No. 5.

1 11. The Board of County Commissioners found that the
2 site has a septic tank and water by individual well, therefore
3 addressing L. C. D. C. Goal No. 6.

4 12. The Board of County Commissioners found that the
5 site for change could possibly improve the economy of the area
6 as commercial uses would be for an office building, therefore
7 addressing L. C. D. C. Goal No. 9.

8 13. The Board of County Commissioners found site has
9 electricity plus water from an individual well, therefore address-
10 ing L. C. D. C. Goal No. 11.

11 14. The Board of County Commissioners found that State-
12 line Road allows transportation to and from the site and that the
13 road is a paved road and appears to be able to carry the kind of
14 traffic that would be generated, therefore addressing L. C. D. C.
15 Goal No. 12.

16 15. The Board of County Commissioners found that the
17 site is in an area where there are other commercial uses, but is
18 not within an Urban Growth Boundary, therefore addressing L. C.
19 D. C. Goal No. 14.

20 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

28 3. The proposed change of zone will have no adverse

1 effect or only limited adverse effect on any property or the
 2 permitted uses thereof within the affected area.

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

6 5. The proposed change of zone is in keeping with land
 7 uses and improvements, trends in land development, density of
 8 land development, and prospective needs for development in the
 9 affected area.

10 NOW, THEREFORE, it is hereby ordered that the application
 11 for the Comprehensive Land Use Plan change from Agriculture to
 12 Commercial General and zone change from AF (Agricultural Forestry)
 13 to C-5 (Commercial Highway) for Louis Drager on the subject proper-
 14 ty is hereby granted.

15 DONE AND DATED THIS 10th DAY OF February, 1981.

16
 17
 18 Ree Kivonen
 19 Chairman

20
 21 Harold L. Myrnes
 22 Member

23
 24 Alvin A. Payne
 25 Member

26 APPROVED AS TO FORM
 27 Boivin & Boivin

28 BY Robert Brown

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County
 this 11th day of February A.D. 19 81 at 2:24 o'clock P.M., and

duly recorded in Vol. M81, of Deeds on Page 2258.

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COMMISSIONER'S JOURNAL

No Fee

By Evlyn Biehn, County Clerk
Susanetha A. Litch