

Klamath County, Oregon

Vol 1081 Page

IN THE MATTER OF THE APPLICATION)  
 FOR COMPREHENSIVE LAND USE PLAN )  
 AND ZONE CHANGE No. 80-67 FOR )  
 JANINE COULSON )

O R D E R

THIS MATTER having come on for hearing upon the application of Janine Coulson for a Comprehensive Land Use Plan change from Suburban Density to General Commercial and a zone change from F (Forestry) to C-2 (Commercial Community) by the Klamath County Planning Commission, on real property described as Township 37, Range 9, SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 18, Tax Lots 1700 and 1800. Public hearings having been heard by the Klamath County Planning Commission on February 24, 1981, 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 March 30, 1981, 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 application for Janine Coulson would be made within thirty-five (35) days for decision only.

On April 2, 1981, the Board of County Commissioners made the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

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Ret: Commissioner's Journal

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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 finds that site for  
4 change of Comprehensive Land Use Plan and Zone Change was located  
5 on the northeast corner of Algoma Road and Community Avenue.

6 2. The Board of County Commissioners finds site to be  
7 rectangular in shape and approximately 19,150 square feet in size,  
8 therefore being adequate for the proposed use, that being a small  
9 neighborhood, general-grocery store.

10 3. The Board of County Commissioners finds per testimony  
11 that access to site is off of Algoma Road which road appears to  
12 be adequate to handle the anticipated traffic volume from proposed  
13 use.

14 4. The Board of County Commissioners finds that notifica-  
15 tion had been sent out to the surrounding property owners as well  
16 as to those agencies of concern, therefore addressing L. C. D. C.  
17 Goal No. 1.

18 5. The Board of County Commissioners finds site for  
19 change in Comprehensive Land Use Plan and zone had no trees of  
20 commercial value, therefore addressing L. C. D. C. Goal No. 4.

21 6. The Board of County Commissioners finds site for change  
22 in Comprehensive Land Use Plan and zone not to be in or near any  
23 fish or wildlife area, therefore addressing L. C. D. C. Goal No. 5.

24 7. The Board of County Commissioners finds site would have  
25 individual well for water and also would have individual septic  
26 tank, therefore addressing L. C. D. C. Goal No. 6.

27 8. The Board of County Commissioners finds per testimony  
28 from applicant that there is a need for a small, neighborhood  
grocery in the Algoma area as the nearest store is approximately

1 eight miles away, and that use would increase the economy of the  
2 area and also increase employment, therefore addressing L. C. D.  
3 C. Goal No. 9.

4 9. The Board of County Commissioners finds that proposed  
5 use, that being a small, neighborhood, grocery store would help  
6 the individuals in the area to decrease traveling, therefore  
7 addressing L. C. D. C. Goal No. 13.

8 10. The Board of County Commissioners finds public  
9 facilities to site were electricity, telephone. Site was also  
10 within a fire district, therefore addressing L. C. D. C. Goal  
11 No. 11.

12 11. The Board of County Commissioners finds site to have  
13 access off Algoma Road, a paved county road, and also appears to  
14 be able to handle the traffic that would be generated from pro-  
15 posed use, therefore addressing L. C. D. C. Goal No. 12.

16 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN  
17 CHANGE:

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

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

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

28 4. The proposed Comprehensive Land Use Plan change is in

1 keeping with any land use plans duly adopted and does, in effect,  
2 represent the highest, best and most appropriate use of the land  
3 affected.

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

8 FINDINGS OF FACT FOR ZONE CHANGE:

9 1. The Board of County Commissioners finds that site for  
10 change of zone was located on the northeast corner of Algoma Road  
11 and Community Avenue.

12 2. The Board of County Commissioners finds site to be  
13 rectangular in shape and approximately 19,150 square feet in size,  
14 therefore being adequate for the proposed use, that being a small,  
15 neighborhood, general-grocery store.

16 3. The Board of County Commissioners finds per testimony  
17 that access to site is off of Algoma Road which road appears to  
18 be adequate to handle the anticipated traffic volume from proposed  
19 use.

20 4. The Board of County Commissioners finds that notifica-  
21 tion had been sent out to the surrounding property owners as well  
22 as to those agencies of concern, therefore addressing L. C. D. C.  
23 Goal No. 1.

24 5. The Board of County Commissioners finds site for  
25 change in Comprehensive Land Use Plan and zone had no trees of  
26 commercial value, therefore addressing L. C. D. C. Goal No. 4.

27 6. The Board of County Commissioners finds site for change  
28 in Comprehensive Land Use Plan and zone not to be in or near any  
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1 fish or wildlife area, therefore addressing L. C. D. C. Goal No.  
2 5.

3 7. The Board of County Commissioners finds site would  
4 have individual well for water and also would have individual  
5 septic tank, therefore addressing L. C. D. C. Goal No. 6.

6 8. The Board of County Commissioners finds per testimony  
7 from applicant that there is a need for a small, neighborhood  
8 grocery in the Algoma area as the nearest store is approximately  
9 eight miles away, and that use would increase the economy of the  
10 area and also increase employment, therefore addressing L. C. D.  
11 C. Goal No. 9.

12 9. The Board of County Commissioners finds that proposed  
13 use, that being a small, neighborhood, grocery store would help  
14 the individuals in the area to decrease traveling, therefore  
15 addressing L. C. D. C. Goal No. 13.

16 10. The Board of County commissioners finds public  
17 facilities to site were electricity, telephone, Site was also  
18 within a fire district, therefore addressing L. C. D, C, Goal  
19 No. 11.

20 11. The Board of County Commissioners finds site to have  
21 access off Algoma Road, a paved county road, and also appears to  
22 be able to handle the traffic that would be generated from pro-  
23 posed use, therefore addressing L. C. D. C. Goal No. 12.

24 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

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

14 NOW, THEREFORE, it is hereby ordered that the application  
15 for the Comprehensive Land Use Plan change from Suburban Density  
16 to General Commercial and zone change from F (Forestry) to C-2  
17 (Commercial Community) for Janine Coulson on the subject property  
18 is hereby granted subject to the following Condition:

19 CONDITION:

20 1. That the use will be for nothing other than a small,  
21 neighborhood, general, grocery store.

22 DONE AND DATED THIS 5<sup>th</sup> DAY OF June, 1987.

24 APPROVED AS TO FORM:  
25 Boivin & Boivin

26 BY Robert Boivin

Neil Kucoren  
Chairman

Harold L. Kyrne  
Member

Alvin A. Cheyne  
Member

1 zone is properly related to streets and highways to adequately  
2 serve the type of traffic generated by such uses that may be  
3 permitted thereon.

4 STATE OF OREGON, COUNTY OF KLAMATH, ss.  
5 Filed for record at request of Klamath County  
6 this 9th day of June A.D. 19 81 at 2:00 P.M.  
7 duly recorded in Vol. 181 of Deeds on 10319  
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9 By Evelyn Biehn, County Clerk  
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29 The proposed change of zone is in keeping with any  
30 highest, best, and most appropriate use of the land affected.  
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101 The proposed change of zone is in keeping with land  
102 uses and improvements, trends in land development, density of  
103 land development, and prospective needs for development in the  
104 affected area.  
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