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VOL 1182 PAGE 2223

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION FOR )  
COMPREHENSIVE LAND USE PLAN CHANGE )  
AND ZONE CHANGE NO. 81-24, BY JOHN T. )  
BOWERS )

O R D E R

THIS MATTER came on for review before the Klamath County Planning Commission on October 27, 1981 upon the application of John T. Bowers for a Comprehensive Land Use Plan change from Suburban Residential to Light Industrial and a Zone Change from A (Light Agricultural) to M-1 (Light Manufacturing Industrial). The purpose of the request was to allow for the development of a 44 lot industrial subdivision on a ten acre tract. The property is located east of Washburn Way, between Anderson Avenue and Johns Avenue.

After considering the testimony and exhibits offered by the applicant, the Planning Department, neighboring property owners and other interested parties, the Planning Commission recommended approval of the request. The Board of County Commissioners took the matter up on December 7, 1981, and finding the record made below to be accurate and complete, made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN CHANGE:

1. Existing and surrounding Comprehensive Land Use Plan and Zone classifications are Suburban Residential to Light Industrial and Residential and Agricultural.
2. The size and shape of the property for proposed use would be 44 small lots roughly .2 of an acre each.
3. Location of the site is east of Washburn Way, 1/4 mile south of Anderson Avenue.

1 4. The proposed use and density would be for industrial  
2 lots and commercial lots.

3 5. The property access and adequacy of access to serve  
4 anticipated traffic volumes is adequate based on two cul-de-sacs  
5 off Washburn Way.

6 6. The effect of change on surrounding properties,  
7 first of all it would be positive in improving the swamp condition  
8 in turning heretofore unproductive land into a commercial property  
9 that would be of benefit to the people of Klamath County.

10 7. The land use trends in the area are residential to  
11 industrial to commercial.

12 8. The need for change is to meet the growing industrial  
13 need and to aid the economy of the county.

14 LCDC GOALS:

15 1. Notice of the hearing on this matter has been sent  
16 to neighboring property owners, the South Suburban Area Committee,  
17 the City of Klamath Falls, and other concerned agencies and to the  
18 Herald and News.

19 2. The zone change is being requested in order to allow  
20 for the development of a subdivision for light industrial uses.  
21 Typical lot size is proposed to be about 8,340 square feet. At  
22 the present time, the land use in the general area is predominantly  
23 residential, with houses or mobile homes on lots up to ten acres  
24 in size. Many of the larger lots are used for pasture. Sway-Tamer,  
25 a trailer manufacturing business is located on two acres about 330  
26 feet to the north of the Bowers Tract. The land across Washburn  
27 Way is now zoned M-1 (Light Manufacturing Industrial). Klamath  
28 County's proposed land use plan would zone that area Heavy

1 Industrial. The proposed Southside By-Pass, connecting Highway No.  
2 39 with Highway No. 97, would pass about 700 feet south of this  
3 property. The By-Pass is scheduled to be completed by 1987.

4 3. The site is now zoned A (Agricultural) and has an  
5 SCS soil rating of Class IV. An exception to this goal is not  
6 needed because the property meets the test for land committed to  
7 other uses based on the following findings:

8 A. Adjacent uses- as described above, the uses  
9 include residential, pasture, and light industrial.

10 B. Facilities and Services- water, electrical and  
11 telephone service are available. The site fronts  
12 on Washburn Way, a major collector street for the  
13 Klamath Falls Metropolitan area. The site is less  
14 than 1/2 mile from the municipal airport and is  
15 1/2 block from the proposed Southside By-Pass, a  
16 major arterial. The nearest sewer line appears  
17 to be about 1/2 mile away on Altamont Drive.

18 C. Parcel size and ownership- In the block bounded  
19 by Anderson, Washburn, Johns and Avalon, parcel size  
20 ranges from 1/4 acre to 10 acres.

21 D. Neighborhood and Regional Characteristics- The  
22 Washburn Way area is being developed for commercial  
23 and industrial uses from Sixth Street on the north  
24 to the airport on the south. Uses include garages,  
25 wrecking yards, electrical and plumbing supply,  
26 mobile home sales, wholesale grocery warehouses,  
27 tire dealer, truck rental, trailer manufacturing  
28 and similar uses.

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E. Natural Boundaries- There are no natural boundaries that separate this property from the Klamath Falls metropolitan area. It is within the proposed urban growth boundary.

4. The property has no timber productivity rating and no timber grows on it.

5. There are no inventoried scenic, historic or natural resources that would be effected by the proposed zone and plan change.

6. Any industrial development of the property would be subject to requirements of DEQ for air, and water quality protection. A letter from DEQ (County Exhibit) indicates that the area is subject to a high water table which may affect applicant's plans to use septic systems. The applicant should present more information on his plans for sewage disposal.

7. The area is not known to be subject to natural hazards.

8. The proposed ten-acre industrial development does not appear to affect recreational needs.

9. The proposed zone change and industrial subdivision would provide economic benefits to the Klamath Falls area by making available sites for small or medium enterprises. At the present time, industrially zoned land is usually available in much larger parcels which are often too expensive for small businesses.

10. The zone change would not affect the housing supply in the Klamath Falls metropolitan area.

11. Telephone, electrical and water service are available. The site is within a fire protection district (District #1).

12. The site fronts on Washburn Way, a main collector street leading from the airport to Sixth Street and downtown. The Klamath Falls municipal airport is less than one mile from the property. The proposed Southside By-Pass, when completed, will be within 700 feet of this parcel.

13. Some energy conservation would result from the compact design of the proposed subdivision.

14. The site is in the Klamath Falls Metropolitan area, within the proposed urban growth boundary.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN  
CHANGE:

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

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

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

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

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

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FINDINGS OF FACT FOR ZONE CHANGE:

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3 1. Existing and surrounding Comprehensive Land Use Plan  
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17 include residential, pasture, and light industrial.  
18 B. Facilities and Services- water, electrical and  
19 telephone service are available. The site fronts  
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22 than 1/2 mile from the municipal airport and is 1/2  
23 block from the proposed Southside By-Pass, a major  
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22 allowed in conjunction with such zoning;

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

27 3. The proposed change of zone will have no adverse  
28 effect or only limited adverse effect on any property or the

1 permitted uses thereof within the affected area.

2 4. That the proposed change of zone is in keeping with  
3 land uses and improvements, trends in land development, density  
4 of land development, and prospective needs for development in the  
5 affected area.

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

9 NOW, THEREFORE, it is hereby ordered that the property  
10 described as Lots 5 and 6 of Altamont Small Farms, being Tax Lots  
11 200 and 300, located in the NW 1/4 SW 1/4 of Section 15, Township  
12 39, Range 9, be granted a Comprehensive Land Use Plan Change from  
13 Suburban Residential to Light Industrial and a Zone Change from  
14 A (Light Agricultural) to M-1 (Light Manufacturing Industrial).  
15 It is further ordered that development of the property be subject  
16 to the following conditions:

17 1. As part of the preliminary plat approval, a fence  
18 be guaranteed that would restrain children as well as contain or  
19 exclude animals from entering the property from adjoining land-  
20 owners to the east.

21 2. Suitable drainage plans be drafted that meets  
22 approved engineering specs and would be approved by the County  
23 Engineer as being adequate to meet the needs of drainage on the  
24 property, from the property, and from adjoining property to the  
25 east.

26 As part of that drainage plan it should have input from  
27 the adjoining landowners and again be approved by the County  
28 Engineer.

3. Any pollutants--oil, or other type of runoff or activities--or waste material from activities on the property be guaranteed not to affect adjoining landowners but would be adequately transferred from the property in such a way as meets DEQ standards as well as not causing harm to downslope property owners.

DONE AND DATED THIS 7th DAY OF January, 1982.

Harold L. Kippene  
Chairman of the Board

Alvin A. Cheyne  
County Commissioner

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County Commissioner

APPROVED AS TO FORM:  
Boivin & Boivin

By: Robert Boivin  
County Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
Filed for record ~~of xxxxxxxx~~  
this 8 day of January A.D. 1982 at 10:30 A M  
duly recorded in Vol. M 82 of Deeds 223

No Fee

By Evelyn Biehn Clerk  
CLERK OF THE COUNTY CLERK'S OFFICE

Commissioners Journal