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BOARD OF COUNTY COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION FOR }
THE COMPREHENSIVE LAND USE PLAN CHANGE }
AND ZONE CHANGE NO. 81-26 BY JOHN MILLER }

O R D E R

82 JUN 26 PM 2 11

THIS MATTER having come on for hearing upon the application of John R. Miller for a Comprehensive Land Use Plan change from Agricultural, Multiple Density and Urban Density to General Commercial and a zone change from RA (Residential Agricultural) to CM (Commercial Manufacturing), by the Klamath County Planning Commission, on real property described as Tax Lot 3700, 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 November 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 December 28, 1981, 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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3 1. The Board of County Commissioners finds that
4 the zoning and Comprehensive Land Use Plan on surrounding parcels
5 is mostly commercial and that the applicant's proposed use would
6 be consistent with development trends in the area, therefore
7 addressing L. C. D. C. Goal No. 2.

8 2. The Board of County Commissioners finds that
9 the lot is approximately one acre in size and that there is
10 adequate room for the proposed outdoor storage.

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

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

19 5. The Board of County Commissioners finds that
20 the site for change would have no effect on surrounding properties
21 as there are other commercial activities in the surrounding area,
22 therefore addressing L. C. D. C. Goal No. 2

23 6. The Board of County Commissioners finds that
24 applicant has also the property adjoining the site for change,
25 which was rezoned for mini-warehouses, and the additional
26 acreage would be used for outside storage, therefore addressing
27 L. C. D. C. Goal No. 2.

28 7. The Board of County Commissioners finds that

1 the proposal for an outdoor storage area would not involve waste
2 discharge and no effects on air, water, or land resource quality
3 would be evident, therefore addressing L. C. D. C. Goal No. 6.

4 8. The Board of County Commissioners finds that the
5 proposed storage area would partly serve recreational storage
6 needs such as boats and some recreational vehicles, therefore
7 addressing L. C. D. C. Goal No. 8.

8 9. The Board of County Commissioners finds that site
9 has public facilities to site for change such as electricity for
10 lighting the storage area if it were necessary, therefore
11 addressing L. C. D. C. Goal No. 11.

12 CONDITIONS ON COMPREHENSIVE LAND USE PLAN MAP CHANGE:

13 1. Applicant shall construct at least a six-foot to
14 seven-foot chain link fence around the property for change to
15 prevent children and other persons from going into the area.

16 2. Applicant shall meet the same drainage conditions
17 as set forth on Zone Change No. 80-34, that is applicant shall
18 provide adequate drainage to avoid excessible runoff to adjoining
19 property and that plot plan be approved by County and State as
20 before on Zone Change No. 80-34.

21 CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN MAP
22 CHANGE:

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

26 2. The property affected by the proposed Comprehensive
27 Land Use Plan change is properly related to streets and highways
28 to adequately serve the type of traffic generated by such uses

1 that may be permitted therein.

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

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

10 5. The proposed Comprehensive Land Use Plan Change is
11 in keeping with land uses and improvements, trends in land
12 development, density of land development, and prospective needs
13 for development in the affected area.

14 FINDINGS OF FACT FOR ZONE CHANGE:

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

20 2. The Board of County Commissioners finds that the
21 lot is approximately one acre in size and that there is adequate
22 room for the proposed outdoor storage.

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

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

2 5. The Board of County Commissioners finds that the site
3 for change would have no effect on surrounding properties as there
4 are other commercial activities in the surrounding area, therefore
5 addressing L. C. D. C. Goal No. 2.

6 6. The Board of County Commissioners finds that applicant
7 has also the property adjoining the site for change, which was
8 rezoned for mini-warehouses, and the additional acreage would be
9 used for outside storage, therefore addressing L. C. D. C. Goal
10 No. 2.

11 7. The Board of County Commissioners finds that the
12 proposal for an outdoor storage area would not involve waste
13 discharge and no effects on air, water, or land resource quality
14 would be evident, therefore addressing L. C. D. C. Goal No. 6.

15 8. The Board of County Commissioners finds that the
16 proposed storage area would partly serve recreational storage
17 needs such as boats and some recreational vehicles, therefore
18 addressing L. C. D. C. Goal No. 8.

19 9. The Board of County Commissioners finds that site
20 has public facilities to site for change such as electricity for
21 lighting the storage area if it were necessary, therefore
22 addressing L. C. D. C. Goal No. 11.

23 CONDITIONS ON ZONE CHANGE:

24 1. Applicant shall construct at least a six-foot to
25 seven-foot chain link fence around the property for change to
26 prevent children and other persons from going into the area.

27 2. Applicant shall meet the same drainage conditions
28 as set forth on Zone Change No. 80-34, that is applicant shall

1 provide adequate drainage to avoid excessible runoff to adjoining
2 property and that plot plan be approved by County and State as
3 before on Zone Change No. 80-34.

4 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

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

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

18 5. The proposed change of zone is in keeping with
19 land uses and improvements, trends in land development, density
20 of land development and prospective needs for development in
21 the affected area.

22 NOW, THEREFORE, it is hereby ordered that the applica-
23 tion for the Comprehensive Land Use Plan change from Agricultural
24 Multiple Density and Urban Density to General Commercial and
25 zone change from RA (Residential Agricultural) to CM (Commercial
26 Manufacturing) for John R. Miller on the subject property, is

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hereby granted.

DONE AND DATED THIS 25th DAY OF January, 1982

Hoyd L. Wynne
Chairman

Oliver A. Cheyne
Commissioner

Commissioner

APPROVED AS TO FORM:
BOIVIN & BOIVIN

BY Charles Boivin

CLAT CO. CO.; COUNTY OF KLAMATH; ss.

Filed for record at Record of
this 26 day of Jan. A. D. 19 82 at 2:15 o'clock P M., and
duly recorded in Vol. M 82, of Deeds on Page 1042

No Fee

EVELYN BIEHN, County Clerk
By Evelyn Biehn

Commissioners Journal