

BOARD OF COUNTY COMMISSIONERS

17869

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KLAMATH COUNTY, OREGON

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IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 17-82)
FOR JOE KELLER/BOB PETERSON)

O R D E R

THIS MATTER having come on for hearing upon the application of Joe Keller/Bob Peterson for a Comprehensive Land Use Plan change from Urban Residential to General Commercial and a zone change from RS (Suburban Residential) to CG (General Commercial), by the Klamath County Planning Commission, on real property described as being the South 113' of Lot 23, E 1/2 of Lot 26, and Lots 24, 25, 27, 28, 29, 30, 31, 33 and 34, of Section 2, Township 39, Range 9. Public hearings having been heard by the Klamath County Planning Commission on September 28, 1982, wherefrom 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 held on November 17, 1982, 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 in 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:

FINDINGS OF FACT:

1 1. The Board of County Commissioners find that the
2 applicant's name is Joe Keller/Bob Peterson.

3 2. The Board of County Commissioners find that the
4 location of the site is generally located on the south side of
5 Miller Avenue, between Homedale Road and Madison Street.

6 3. The Board of County Commissioners find that the size
7 and shape of the property is basically rectangular in shape and
8 is made up of approximately 2.2 acres.

9 4. The Board of County Commissioners find that the access
10 and adequacy of access would serve the anticipated traffic volumes
11 under the testimony by applicant.

12 5. The Board of County Commissioners find that the effect
13 of the proposed change would have on any surrounding properties
14 would be minimal as applicant proposed landscaping features.

15 6. The Board of County Commissioners find that Applicant's
16 Exhibit No. 3, the proposed conceptual plan, would be how proposed
17 shopping center would be developed.

18 The Board of County Commissioners adopt the following
19 Findings: Goal 1: Citizen Involvement.

20 7. Pursuant to the Management Agreement between the City
21 of Klamath Falls and Klamath County, the Klamath Falls Planning
22 Commission and City Council have heard from the citizens, and we
23 have also. Notice of both the City hearings and County hearings
24 were published in the Herald & News as provided by law, as well
25 as mailed to the surrounding property owners, the South Suburban
26 Area Committee and any other concerned agency. All citizen
27 testimony has been evaluated through the planning process.

1 Goal 2: Land Use Planning.

2 8. As noted in the Staff Report and Applicant's testimony,
3 this Comprehensive Land Use Plan and zone change is being
4 requested in order to provide for the development of a convenience
5 shopping center and to bring the existing use by Pelican Tractor
6 Company of Lot 25 into the conformity with the zoning code and
7 Comprehensive Plan.

8 Consistent with the Management Agreement, as noted above,
9 the City Council has recommended the approval of these zone
10 changes, with the provision that we consider requiring fencing
11 and landscaping on the Miller Avenue side of the property and the
12 reduction of the number of entrances to 1. Upon review of the
13 evidence, we find that the reduction of the entrances to Miller
14 Avenue actually increases the impact of the Center on Miller
15 Avenue and the residences on it. Therefore, we believe it better
16 to allow 4 entrances from Miller Avenue to the subject property.
17 The visual barrier such as discussed by the Applicants will be
18 useful in alleviating the impact of this use from the residential
19 uses across Miller Avenue. Therefore, the five-foot area between
20 the Miller Avenue right-of-way and the truck-way shall be
21 landscaped with shrubbery and other plantings, substantially
22 similar to that shown on Applicant's architectural rendering,
23 being Applicant's Exhibit No. 3. Because of the hazards
24 associated with the installation of an actual fence (such as
25 increased criminal activity because of the seclusion it affords)
26 we do not recommend that such physical barriers be provided.

27 The existing land use and land use trends along South Sixth
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1 Street are commercial uses, and in many instances for the full
2 depth of the block. Additional land has been planned and zoned
3 to a block's depth along South Sixth Street. In fact, that depth
4 exists on a part of this block, to the east, and on the block
5 across Homedale to the immediate west of this property. By
6 continuing the one block depth of designation and zoning,
7 continuity in such plan and zone designations is maintained.

8 As noted in the Staff Report, there are 3 general areas
9 with large blocks of vacant commercial land in the eastern and
10 southeastern portion of the Klamath Urban Area. These occur
11 eastward from Patterson Street along South Sixth Street, on
12 Washburn Way between South Sixth Street and Hilyard Avenue, and
13 along the Southside Bypass near the Municipal Airport. All 3
14 of these areas are on the outside edge of the existing residential
15 area. The uses planned for the proposed site being the grocery
16 store and variety or drug store, are uses which must be convenient
17 to be successful. We not, and find, that within a two-mile radius
18 of the proposed site, there are approximately 42,800 people, and
19 within that same radius is an expected need for food purchases of
20 about \$700,000. According to the criteria used by grocery stores,
21 and considering the number of stores in the area, we believe it
22 necessary to provide for an additional grocery and associated
23 convenience stores in the core of the residential area.

24 Since each of the other sites are on the outside edge of
25 the residential development, it can be expected that one-half,
26 or less, of that food budget amount would be available, which in
27 each case, does not provide a need for additional stores now,

1 especially considering the existing stores located closer to the
2 residential development. Further, as noted elsewhere, by
3 providing these uses near the center of the residential areas,
4 the transportation system in the area will be less impacted,
5 since users of the stores will not have to drive as far to obtain
6 such services and will, further, utilize less energy in meeting
7 their needs.

8 Goals 3 and 4: Agricultural and Forest Lands.

9 9. These lands are in the Klamath Falls urbanized areas,
10 and are presently committed to non-resource uses. Neither Goal
11 3 or Goal 4 applies. For the reasons stated herein, even if the
12 lands were agricultural or forestry lands, they qualify for an
13 exception as committed.

14 Goal 5: Open Space, Scenic and Historic Areas, and Natural
15 Resources.

16 10. There are no scenic, historic or natural areas
17 inventoried in the area and we know of none which would be
18 affected. The view across the street by the people living on
19 the north side of Miller Avenue now consists of houses and
20 buildings, which are generally old and often cluttered. Replacing
21 them with these facilities would create a wall in their view;
22 however, with the shrubbery requirements provided for herein, the
23 view would not be adversely affected by the development. It is
24 worth noting that the backside of the building, other than the
25 loading dock, will be some 37 feet from the street right-of-way,
26 which is 60 feet, and thus at least 97 feet from the property
27 lines of the properties on the north side of Miller Avenue. This

1 is a larger distance than many other structures are now
2 separated.

3 Goal 6: Air, Water and Land Resource Quality.

4 11. This project will involve extensive paving, which will
5 be in the approximate amount of 40,000 square feet. The drainage
6 from the area is subject to review by the Public Works Director,
7 State Highway Division, and Drainage District. All of whom have
8 reviewed the storm drainage facilities available and any potential
9 adverse affects of the additional drainage created by this
10 development and find no adverse impacts. We also find that there
11 will be none.

12 Goal 7: Natural Disaster and Hazards Area.

13 12. This area is not subject to any natural hazards which
14 would affect or be affected by this project.

15 Goal 8: Recreation Needs.

16 13. This proposal does not affect the need for or the
17 availability of recreational facilities in the Klamath Falls
18 urban area.

19 Goal 9: County Economy.

20 14. As noted in the Staff Report, the completion of this
21 project would displace two existing businesses. However, each
22 will relocate elsewhere in Klamath Falls and will not be
23 negatively affected. It can be expected that 200 to 250 people
24 will be employed during the course of construction of the project,
25 at least many of the subs of which would be expected to be local
26 if they are competitive. Klamath County is sorely in need of
27 employment, particularly in the construction area, and this

1 proposal would greatly assist in the filling of that need.

2 The grocery store will occupy approximately 42,000 square
3 feet, from which it can normally be expected that there would be
4 70 to 90 employees. The drug store will occupy 25,000 to 30,000
5 square feet from which it could be expected that there would be
6 30 to 50 employees. Depending upon who the final user is, all
7 of these will be additional employees if the users are stores
8 new to the area. Even in the event that the users are relocated
9 existing stores, many of the employees will be additional
10 employees.

11 Goal 10: Housing.

12 15. As noted in the Staff Report, although the project
13 would displace some dwellings, there is a more than adequate
14 housing supply in the area to absorb these people with an adequate
15 choice of replacement housing.

16 Goal 12: Transportation.

17 16. As noted in the Staff Report, site for change has
18 access onto South Sixth Street which is a State Highway and a
19 four-lane highway. Applicant's plot plan indicates access points
20 onto Miller Avenue and Homedale Road as well, which roads are
21 paved and are county roads. Applicant's plot plan indicates
22 sufficient off-street parking spaces to meet the requirements
23 of the Land Development Code for food sales and general retail
24 use. Customer access would be from Homedale and South Sixth
25 Streets, with Miller Avenue being used for deliveries and loading.

26 Goal 14: Urbanization.

27 17. The site for proposed change is inside the established

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1 Urban Growth Boundary. Site does have public facilities as
2 mentioned in Staff Report and change will make for efficient
3 use of such facilities when development is complete.

4 CONCLUSIONS OF LAW:

5 1. The Board of Commissioners conclude that Goal 1 is
6 satisfied and that Goals 2 and 9 are greatly enhanced by this
7 Land Use Plan change and zone change. We further conclude that
8 Goals 3, 4, 7 and 8 are not affected and that there are no
9 adverse affects to Goals 5, 6 or 10. We also conclude that this
10 designation and change are in furtherance of the goals and
11 policies of the Comprehensive Land Use Plan of Klamath County.

12 2. The Board of County Commissioners conclude that this
13 change in Comprehensive Land Use Plan permits orderly and
14 beneficial development, while protecting the character of
15 neighborhoods and communities, and the social and economic
16 stability of the County.

17 3. The Board of County Commissioners conclude that this
18 change in Comprehensive Land Use Plan supports the protection and
19 preservation of the County's space and recreational resources
20 while providing for appropriate development.

21 4. The Board of County Commissioners conclude that this
22 change in Comprehensive Land Use Plan will further the goals and
23 policies of the Klamath County Comprehensive Plan.

24 NOW, THEREFORE, it is hereby ordered that the Klamath
25 County Board of Commissioners approve CLUP & ZC numbered 17-82
26 for Joe Keller/Bob Peterson with the following conditions (which
27 conditions apply to zone designation only):

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1 1. That the structures thereon built be substantially
2 the same as set forth on the plot plan submitted during the
3 hearing;

4 2. That the visual barriers shall be substantially the
5 same as set forth in the architectural rendering submitted by
6 Applicants.

7 DONE AND DATED THIS 29th DAY OF November, 1982.

8
9
10 Floyd L. Wynne
COMMISSIONER FLOYD WYNNE

11
12 Nell Kuonen
COMMISSIONER NELL KUONEN

13
14
15
16 COMMISSIONER ALVIN CHEYNE

17
18 APPROVED AS TO FORM:
19 BOIVIN AND BOIVIN

20 Alvin Cheyne

21
22 STATE OF OREGON; COUNTY OF KLAMATH; ss.

23 Filed for record . . . 2 10:01
24 this @ day of Dec A.D. 1982 at 10:01 o'clock A.M. and
25 duly recorded in Vol. M82, of Deeds on Page 16770

26 No Fee

27 aCOMMISSIONERS JOURNAL

28
By Evelyn Bern County Clerk