

70424

BEFORE THE BOARD OF COMMISSIONERS AND  
KLAMATH COUNTY PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

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1  
2 In the Matter of a Request for )  
3 Comprehensive Land Use Plan and )  
4 Zone Change 17-86 for Robert Hopkins)

FINDINGS, CONCLUSIONS,  
AND DECISION

Order # 87-155

5 This matter came on for a hearing before the Klamath County  
6 Planning Commission and Board of Commissioners on December 10, 1986,  
7 at the Klamath County Commissioners' Hearing Room. The hearing  
8 was held pursuant to notice given in conformity with the Klamath  
9 County Land Development Code and related ordinances. The appli-  
10 cant was represented at the hearing by himself. The Planning  
11 Department was represented by Kim Lundahl.

12 The following exhibits were marked, offered, and received  
13 into evidence and made a part of the record: Exhibits "A" through  
14 "G."

15 The Board of Commissioners, after receiving recommendation of  
16 approval from the Planning Commission and after reviewing the  
17 evidence presented, made the following findings of fact, conclu-  
18 sions of law, and decision:

19 FINDINGS OF FACT:

20 This request has been granted based on the following Find-  
21 ings of Fact:

- 22 1. This request is for a change in the Comprehensive Land  
23 Use Plan designation from Rural to Commercial and a change of  
24 Zone from Rural, 1 acre to General Commercial.  
25 2. The property is on the southwest corner of the Southside  
26 Bypass and State Highway 39, being approximately 4.06 acres in  
27 size. The surrounding development is large lot residential and  
28 agricultural use.

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1 3. The applicant did apply for and was granted Industrial  
2 zoning in 1980 (ZC 80-65). In June of 1985, the Industrial zoning  
3 was changed to Rural zoning as the property had not been committed  
4 to Industrial use.

5 4. The applicant requests the changes in Plan and Zone to  
6 facilitate development of a convenience store. The applicant  
7 submitted an exception statement pursuant to OAR 660, Division 4  
8 documenting the public need for the store.

9 5. The Highway Division, Oregon Department of Transportation  
10 submitted a letter indicating "concern about a change...to commer-  
11 cial...because of potential traffic conflicts."

12 6. Notice of this hearing was sent to surrounding property  
13 owners, to affected public agencies, and published in the Herald  
14 and News, a general circulation newspaper.

15 CONCLUSIONS OF LAW - LAND USE PLAN CHANGE:

16 The proposed change from Rural to Commercial is approved  
17 as the Board of County Commissioners finds the request conforms  
18 to the review criteria set out in Land Development Code Section  
19 48.003:

20 A. The proposed change is in compliance with the Statewide  
21 Planning Goals;

22 B. The proposed change is in conformance with all policies  
23 of the Klamath County Comprehensive Plan; and

24 C. The proposed change is supported by an exception state-  
25 ment pursuant to OAR 660, Division 4 which documents the public  
26 need for the change.

27 CONCLUSIONS OF LAW - ZONE CHANGE:

28 The proposed change from Rural, 1 acre to General Commercial

1 is approved as the Board of County Commissioners finds the request  
2 conforms to the review criteria set out in Land Development Code  
3 Section 47.003:

4 A. The change of zone is in conformance with the Comprehen-  
5 sive Plan, and all other provisions of the Land Development Code;

6 B. The property affected by the change of zone is adequate  
7 in size and shape to facilitate those uses that are normally  
8 allowed in conjunction with such zoning;

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

12 D. The proposed change of zone will have no adverse effect  
13 on the appropriate use and development of abutting properties.

14 7. An exception statement has been submitted and forwarded  
15 to the DLCD on September 25, 1986. Comment was not received from  
16 this agency.

17 8. The Klamath County Planning Commission, in joint session  
18 with the Board of County Commissioners, recommended the Board  
19 approve the request and exception statement.

20 9. No one testified in opposition to the granting of this  
21 request, and no evidence was presented that there would be any  
22 adverse affects to the abutting property or surrounding area by  
23 the granting of this request.

24 DECISION:

25 The Klamath County Board of Commissioners, based on the  
26 foregoing findings of fact and conclusions of law does hereby  
27 approve the submitted exception statement and orders as follows:

28 That real property described as:

"being generally located at the southwest corner of Southside Bypass and State Highway 39, and more particularly described as a portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 24, Township 39S, Range 9E, Tax Account No. 3909-24A-100, Klamath County, Oregon,"

is hereby granted a Comprehensive Land Use Plan Change from Rural to Commercial and a Zone Change from Rural, 1 acre to General Commercial with the following condition:

1. The request is granted pending site plan approval pursuant to Article 41 of the Land Development Code, including approval from the County Dept. of Public Works or State Highway Division, whichever has jurisdiction, within two years of the filing date of this order.

Entered at Klamath Falls, Oregon, this 14 Day of January ~~1986~~ 1987

BOARD OF COUNTY COMMISSIONERS

Jim Rogers  
Jim Rogers, Chairman of the Board

Roger Hamilton  
Roger Hamilton, Commissioner

Carroll Zon Gerbert  
Carroll Zon Gerbert, Commissioner

APPROVED AS TO FORM AND CONTENT:

Robert D. Boivin  
Robert D. Boivin, County Legal Counsel

CLUP & ZC 17-86

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
of January A.D. 19 87 at 3:23 o'clock P M., and duly recorded in Vol. N87 day  
of Deeds on Page 720

FEE None

Evelyn Biehn  
By Santha J. Welch County Clerk

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