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BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION )  
FOR A ZONE CHANGE No. 78-56, BY )  
O.C. WEBB-BOWEN ) O R D E R

THIS MATTER having come on for hearing upon the application of O.C. Webb-Bowen for a Zone Change from AF (Agricultural-Forestry) to C-5 (Commercial Highway) Zone, by the Klamath County Planning Commission, on real property described as Township 39S, Range 9 EWM, Section 30. Public hearings having been heard by the Klamath County Planning Commission on December 19, 1978, 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 January 16, 1979, 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 the application for a 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:

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of Commissioners found site to be located on the west side of Highway 97 and approximately half-mile north

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1 of DelFatti Lane.

2 2. The Board of Commissioners found site for change  
3 in Zone to C-5 (Commercial Highway) to be approximately five (5)  
4 acres in size, therefore adequate in size and shape for proposed  
5 use that being additional parking.

6 3. The Board of Commissioners found that applicant  
7 had sufficient access off of Highway 97 for present use which is  
8 a Truck Stop and abutts property for change in zone just to the  
9 north.

10 4. The Board of Commissioners found site for change  
11 in zone to have relatively small effect on the surrounding  
12 properties.

13 5. The Board of Commissioners found that notice  
14 had been sent out to the property owners and also sent to the  
15 Worden Area Committee in which they recommended approval, thus  
16 addressing L.C.D.C. Goal No. 1, Citizen Involvement.

17 6. The Board of Commissioners found site for change  
18 in zone was in conformance with existing land use plans, indicat-  
19 ing site as General Commercial, thus addressing L.C.D.C. Goal No.  
20 2, Land Use Planning.

21 7. The Board of Commissioners found that the approx-  
22 imately five (5) acres was not adequate and feasible for farming  
23 as the soils were poor and no irrigation was available, thus  
24 addressing L.C.D.C. Goal No. 3, Agriculture.

25 8. The Board of Commissioners found that Oregon Fish  
26 and Wildlife had been contacted and that had no objection to the  
27 five (5) acres being changed to C-5 (Commercial Highway), thus  
28 addressing L.C.D.C. Goal No. 5, Open Spaces and Natural Resources.

1 9. The Board of Commissioners found that site for  
2 change in zone would have some effect on the economy of the area  
3 in that with an enlarged parking area, this would probably mean  
4 more business, thus addressing L.C.D.C. Goal No. 9, Economy of  
5 the State.

6 10. The Board of Commissioners found existing site  
7 had water and water could be supplied to proposed site for change  
8 in zone and also proposed site for change in zone had an existing  
9 drainfield on the property thus addressing L.C.D.C. Goal No. 11,  
10 Public Facilities and Services.

11 11. The Board of Commissioners found proposed site  
12 for change of zone was next to Highway 97 and that there is an  
13 existing access for existing Truck Stop, thus addressing L.C.D.C.  
14 Goal No. 12, Transportation.

15 12. The Board of Commissioners found that with change  
16 in zone for the approximately five (5) acres that this would  
17 allow trucks to stop and park and not have to go out of their  
18 way for services and a place to rest, thus addressing L.C.D.C.  
19 Goal No. 13, Energy Conservation.

20 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

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

28 3. The proposed change of zone will have no adverse

1 effect or only limited adverse effect on any property or the  
2 permitted uses thereof within the affected area.

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

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

11 NOW, THEREFORE, it is hereby ordered that the appli-  
12 cation for the Zone Change from AF (Agricultural-Forestry) to  
13 C-5 (Commercial Highway) Zone for O.C. Webb-Bowen on the subject  
14 property, is hereby granted.

15 DONE AND DATED THIS 28<sup>th</sup> DAY OF February, 1979.

16  
17 Ronald L. Kynne  
18 CHAIRMAN OF THE BOARD

19  
20 Chas. A. Cheyne  
21 COUNTY COMMISSIONER

22  
23 Rue K. Korman  
24 COUNTY COMMISSIONER

STATE OF OREGON,  
County of Klamath )

Filed for record at request of

Klamath County  
on this 6th day of March A.D. 19 79  
at 10:18 o'clock A M, and duly  
recorded in Vol. M79 of Deeds  
Page 4949

Wm D. MILNE, County Clerk

By Burchard Helbach Deputy

Fee None

25 APPROVED AS TO FORM:  
26 Boivin, Boivin & Aspell

27 By: Robert D. Boivin  
28 COUNTY LEGAL COUNSEL