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Vol. ^m79 Page 25865

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPLICATION)
FOR COMPREHENSIVE LAND USE PLAN)
CHANGE AND ZONE CHANGE NO. 79-30)
BY STILES ENTERPRISES, INC.)

O R D E R

THIS MATTER having come on for hearing upon the application of Stiles Enterprises, Incorporated for a Comprehensive Land Use Plan change from Heavy Industrial to Agricultural and a zone change from SP-12 (Quarry) to AF (Agricultural Forestry) by the Klamath County Planning Commission, on real property described as Township 35, Range 7, Section 20, Tax Lots 4000, 4200, and 4300. Public hearings having been heard by the Klamath County Planning Commission on August 14, 1979, 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 September 24, 1979, 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

1 Findings of Fact and Conclusions of Law as required by Ordinance
2 No. 17, the Klamath County Zoning Ordinance:

3 FINDINGS OF FACT FOR COMPREHENSIVE LAND USE PLAN
4 CHANGE:

5 1. The Board of County Commissioners found that the
6 surrounding Comprehensive Land Use Plan and zoning classifications
7 are Agricultural and AF (Agricultural Forestry).

8 2. The Board of County Commissioners found lot size
9 to be approximately 98.3 acres, therefore meeting the Property
10 Development Standards of the AF (Agricultural Forestry) zone.

11 3. The Board of County Commissioners found site for
12 change in Comprehensive Land Use Plan to be near and along the
13 Williamson River and north of the Modoc Point Highway.

14 4. The Board of County Commissioners found property
15 has access off of Modoc Point Highway, which is adequate to serve
16 the anticipated traffic volume.

17 5. The Board of County Commissioners found that the
18 Comprehensive Land Use Plan change would not have an effect on the
19 surrounding properties as the existing use on the property is
20 primarily agriculture.

21 6. The Board of County Commissioners found site for
22 change to agriculture use was the highest and best use as site
23 was determined that the commercial vein of gravel was limited and
24 that the land should be continued to be used for agriculture use.

25 7. The Board of County Commissioners found that
26 notification had been sent to the surrounding property owners as
27 well as notification to the Herald and News, therefore addressing

28 L.C.D.C. Goal No. 1.

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1 8. The Board of County Commissioners found that the
2 existing land use was a commercial quarry and that quarry has run
3 out of materials and that pasture and agriculture uses would be
4 more suitable for site for change in Comprehensive Land Use Plan,
5 therefore addressing L.C.D.C. Goal No. 2.

6 9. The Board of County Commissioners found soils for
7 site had a classification of Class IV which require very careful
8 management for growth of plants, therefore addressing L.C.D.C.
9 Goal No. 3.

10 10. The Board of County Commissioners found site had
11 limited amount of mineral resources, and applicant felt that the
12 site would not be economically feasible to continue quarry
13 operations, therefore addressing L.C.D.C. Goal No. 5.

14 11. The Board of County Commissioners found site not
15 to be subject to any natural disasters or hazards, therefore
16 addressing L.C.D.C. Goal No. 7.

17 12. The Board of County Commissioners found that site
18 for change in Comprehensive Land Use Plan for agriculture purposes
19 would have a beneficial effect on the economy of the area,
20 therefore addressing L.C.D.C. Goal No. 9.

21 13. The Board of County Commissioners found that site
22 for change in Comprehensive Land Use Plan for agriculture uses
23 would allow a residence when in conjunction with use and zone,
24 therefore addressing L.C.D.C. Goal No. 10.

25 14. The Board of County Commissioners found site has
26 public facilities, such as electricity, telephone service, and
27 also site is in the Chiloquin School District, therefore
28 addressing L.C.D.C. Goal No. 11.

15. The Board of County Commissioners found site had access from Day School Road which is a county paved road, therefore addressing L.C.D.C. Goal No. 12.

CONCLUSIONS OF LAW FOR COMPREHENSIVE LAND USE PLAN CHANGE:

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

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

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

4. The proposed Comprehensive Land Use Plan change 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.

5. The proposed Comprehensive Land Use Plan change 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.

FINDINGS OF FACT FOR ZONE CHANGE:

1. The Board of County Commissioners found that the surrounding Comprehensive Land Use Plan and zoning classifications are Agricultural and AF (Agriculture Forestry).

1 2. The Board of County Commissioners found lot size
2 to be approximately 98.3 acres, therefore meeting the Property
3 Development Standards of the AF (Agricultural Forestry) zone.

4 3. The Board of County Commissioners found site for
5 change in zone to be near and along the Williamson River and north
6 of the Modoc Point Highway.

7 4. The Board of County Commissioners found property
8 has access off of Modoc Point Highway, which is adequate to serve
9 the anticipated traffic volume.

10 5. The Board of County Commissioners found that the
11 change in zone would not have an effect on the surrounding
12 properties as the existing use on the property is primarily
13 agriculture.

14 6. The Board of County Commissioners found site for
15 change to agriculture use was the highest and best use as site
16 was determined that the commercial vein of gravel was limited and
17 that the land should be continued to be used for agriculture use.

18 7. The Board of County Commissioners found that
19 notification had been sent to the surrounding property owners as
20 well as notification to the Herald and News, therefore addressing
21 L.C.D.C. Goal No. 1.

22 8. The Board of County Commissioners found that the
23 existing land use was a commercial quarry and that quarry has run
24 out of materials and that pasture and agriculture uses would be
25 more suitable for site for change in zone, therefore addressing
26 L.C.D.C. Goal No. 1.

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28 site had a classification of Class IV which require very careful
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1 management for growth of plants, therefore addressing L.C.D.C.
2 Goal No. 3.

3 10. The Board of County Commissioners found site had
4 limited amount of mineral resources, and applicant felt that the
5 site would not be economically feasible to continue quarry
6 operations, therefore addressing L.C.D.C. Goal No. 5.

7 11. The Board of County Commissioners found site not
8 to be subject to any natural disasters and hazards, therefore
9 addressing L.C.D.C. Goal No. 7.

10 12. The Board of County Commissioners found that site
11 for change in zone for agriculture purposes would have a bene-
12 ficial effect on the economy of the area, therefore addressing
13 L.C.D.C. Goal No. 9.

14 13. The Board of County Commissioners found that site
15 for change in zone for agriculture uses would allow a residence
16 when in conjunction with use and zone, therefore addressing
17 L.C.D.C. Goal No. 10.

18 14. The Board of County Commissioners found site has
19 public facilities, such as electricity, telephone service, and
20 also site is in Chiloquin School District, therefore addressing
21 L.C.D.C. Goal No. 11.

22 15. The Board of County Commissioners found site had
23 access from Day School Road which is a county paved road, there-
24 fore addressing L.C.D.C. Goal No. 12.

25 CONCLUSIONS OF LAW FOR ZONE CHANGE:

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

2. The property affected by the proposed change of zone is properly 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. 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.

5. 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.

NOW, THEREFORE, it is hereby ordered that the application for the Comprehensive Land Use Plan change from Heavy Industrial to Agricultural and zone change from SP-12 (Quarry) to AF (Agricultural Forestry) for Stiles Enterprises, Incorporated on the subject property is hereby granted.

DONE AND DATED THIS 30th DAY OF October, 1979

Ray L. Kynne
Chairman

Philip A. Teyne
Member

Paul Korman
Member

APPROVED AS TO FORM:
Boivin, Boivin, Aspell

By: Robert D. Brown

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 2nd day of November A.D., 19 79 at 4:24 o'clock P M., and duly recorded in Vol. M79, of Deeds on Page 25965.

FEE None

WM. D. MILNE, County Clerk

By: Bernice A. Hirsch Deputy

Commissioners Journal