

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

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IN THE MATTER OF THE APPLICATION)
FOR ZONE CHANGE NO. 81-5 BY)
FRANK CACKA, APPLICANT)

O R D E R

THIS MATTER having come on for hearing upon the applica-
tion of Frank Cacka for a zone change from AF (Agricultural
Forestry) to A (Agricultural) by the Klamath County Planning
Commission, on real property described as lying in Section 16,
Township 41, Range 11, portion of Tax Lot 135. Public hearings
having been heard by the Klamath County Planning Commission on
April 28, 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 Commission-
ers. Following action by the Planning Commission, a public
hearing was regularly held before the Board of County Commission-
ers on June 1, 1981, wherefrom the testimony at said hearing it
appeared that the record 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 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 County Commissioners finds the site to be
generally located north of Stateline Road and approximately 1/3

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1 mile west of State Highway No. 39.

2 2. The Board of County Commissioners finds site for
3 change in zone to be approximately five acres in size.

4 3. The Board of County Commissioners finds that the
5 proposed zone change is for a one-acre minimum, however, subject
6 parcel to be split will be a six-acre parcel where an agriculture
7 building for agriculture use will be built to store potatoes.

8 4. The Board of County Commissioners finds site for change
9 in zone to have adequate access off of the Stateline Road which
10 is a paved road. Said highway appears to be able to handle the
11 quantity of traffic that will be generated from the change.

12 5. The Board of County Commissioners finds existing
13 zoning in the surrounding area to be a mixture of A (Agricultural)
14 and AF (Agricultural Forestry) zoning.

15 6. The Board of County Commissioners finds the change
16 in zone would have little effect on surrounding properties.

17 7. The Board of County Commissioners finds that the
18 Planning Department notified those people within 250 feet of the
19 site and also sent notification to those agencies of concern as
20 well as the media, therefore addressing L. C. D. C. Goal No. 1.

21 8. The Board of County Commissioners finds that the site
22 for change to A (Agricultural) will allow light agricultural uses.
23 Site will be utilized for a potato cellar and will not reduce
24 land for agriculture use, therefore addressing L. C. D. C. Goal
25 No. 3.

26 9. The Board of County Commissioners finds site for
27 change would help the applicant in storing and saving of potatoes
28 which could possibly help the economy, therefore addressing

1 L. C. D. C. Goal No. 9.

2 10. The Board of County Commissioners finds the site
3 for change would allow storage use when in conjunction with
4 agriculture uses. The effect of change on surrounding properties
5 will be none as there are other agriculture buildings in the
6 area, therefore addressing L. C. D. C. Goal No. 10.

7 11. The Board of County Commissioners finds public
8 facilities to site are electricity and telephone, therefore
9 addressing L. C. D. C. Goal No. 11.

10 12. The Board of County Commissioners finds site for
11 change is close to sources of energy as electricity and gas,
12 therefore addressing L. C. D. C. Goal No. 13.

13 13. The Board of County Commissioners finds site is
14 outside an urban area and also a community boundary as use is
15 strictly agricultural, therefore addressing L. C. D. C. Goal
16 No. 14.

17 CONCLUSIONS OF LAW:

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

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

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

28 4. The proposed change of zone is in keeping with land

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1 uses and improvements, trends in land development, density of
2 land development and prospective needs for development in the
3 affected area.

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

7 NOW, THEREFORE, it is hereby ordered that the application
8 for zone change from AF (Agricultural Forestry) to A (Agricultur-
9 al) for Frank Cacka on the subject property is hereby granted.

10 DONE AND DATED THIS 20th DAY OF August, 19 81.

11
12
13 Rene Kuonen
14 Chairman

15
16 Harold L. Hyman
17 Commissioner

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19 Alvin T. Cheyne
20 Commissioner

21
22 APPROVED AS TO FORM:
23 Boivin & Boivin

24 By Robert D. Boivin

STATE OF OREGON,
County of Klamath }
Filed for record at request of

25 Klamath County
26 on this 24th day of August A.D. 19 81
27 at 2:12 o'clock P M, and duly
28 recorded in Vol. M81 of Deeds
age 15082

EVELYN BIEHN, County Clerk

By Debra L. Hetsch Deputy

Fee None