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BOARD OF COUNTY COMMISSIONERS

Vol. 1192 Page 15650

KLAMATH COUNTY, OREGON

1
2
3 IN THE MATTER OF THE APPLICATION)
4 FOR COMPREHENSIVE LAND USE PLAN)
5 AND ZONE CHANGE NO. 16-82 FOR)
6 JOHN ROBUTZ, APPLICANT)

O R D E R

7 THIS MATTER having come on for hearing upon the applica-
8 tion of John Robutz for a Comprehensive Land Use Plan from
9 Forestry to Transportation Commercial and a zone change from
10 F-II (Forestry) to CH (Highway Commercial) on real property
11 described as a portion of Section 33, Tax Lot 1300, Township
12 35, Range 7. Public hearing having been heard by the Klamath
13 County Planning Commission on May 25, 1982, wherefrom the
14 testimony and information produced at the hearing by the
15 applicant, Planning Staff and others in attendance the Planning
16 Commission recommended approval. Following action by the
17 Planning Commission, a public hearing before the Board of
18 Commissioners was held on July 19, 1982, wherefrom the testimony
19 at said hearing it appeared that the record below was accurate
20 and complete at the hearing before the Planning Commission and
21 that the application should be granted.

22 The Board of County Commissioners makes the following
23 Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

24
25 1. The Board of County Commissioners finds the applicant
26 to be John Robutz.

27 2. The Board of County Commissioners finds that the
28 general location of site is east of Highway 97 approximately

1 one-half mile south of its intersection with Day School Road.

2 3. The Board of County Commissioners finds that the
3 size of property involved for change in use is approximately
4 three acres in size and triangular in shape and adequate to
5 accommodate proposed development.

6 4. The Board of County Commissioners finds that the
7 ground is relatively flat and has a few scattered pine on the
8 site.

9 5. The Board of County Commissioners finds, based on
10 testimony given, that site is not suitable for raising forest
11 products in any economical fashion.

12 6. The Board of County Commissioners finds site for
13 change to CH (Highway Commercial) would be for a drive-in
14 restaurant where a mobile home and auto body shop are already
15 on the property.

16 7. The Board of County Commissioners finds per testimony
17 that access would be off of Highway 97, a state highway. This
18 highway appears to be able to carry the kind of traffic that
19 would be generated by proposed use.

20 8. The Board of County Commissioners finds per testimony
21 that the effect on adjacent and surrounding properties would be
22 minimal to none in that it does not adversely effect agriculture
23 or forestry uses, and other uses in the area are of a commercial
24 nature.

25 9. The Board of County Commissioners finds per testimony
26 that adequate drain fields or septic systems must meet the
27 Department of Environmental Quality standards and that water
28 would be provided by individual wells.

1 10. The Board of County Commissioners finds that
2 change in land use would not have an adverse effect on wildlife
3 on Goal Number Five elements.

4 11. The Board of County Commissioners finds notification
5 had been sent to all those of concern.

6 12. The Board of County Commissioners finds site to
7 be predominantly Class VI soils. The small parcel size, poor
8 soil class, short growing season, and committed status of the
9 land preclude the use of this parcel for agriculture.

10 13. The Board of County Commissioners finds site to
11 have a Timber Site Productivity Class of V. Due to small
12 parcel size, the few scattered pines on the property which are
13 not quality or quantity for forestry, and the committed nature
14 of the property; this area is not available for forestry use
15 and forestry management is physically and economically unfeasible.
16 An exception to this area was taken.

17 14. The Board of County Commissioners finds site to
18 be predominantly Class VI soils. The small parcel size, poor
19 soil class, short growing season, and committed status of the
20 land precludes the use of this parcel for agriculture.

21 15. The Board of County Commissioners finds site to be
22 in the Chiloquin-Agency Fire District.

23 16. The Board of County Commissioners finds site to have
24 public facilities such as electricity and telephones.

25 CONCLUSIONS OF LAW:

26 1. The Board of County Commissioners concludes that this
27 change in Comprehensive Land Use Plan permits orderly and
28 beneficial development, while protecting the character of

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1 neighborhoods and communities, and the social and economic
2 stability of the County.

3 2. The Board of County Commissioners concludes that this
4 change in Comprehensive Land Use Plan supports the protection
5 and preservation of the County's space and recreational resources
6 while providing for appropriate development.

7 3. The Board of County Commissioners concludes that
8 this change in Comprehensive Land Use Plan will further the
9 goals and policies of the Klamath County Comprehensive Plan.

10 NOW, THEREFORE, it is hereby ordered that the application
11 for the Comprehensive Land Use Plan from Forestry to Transporta-
12 tion Commercial and a zone change from F-II (Forestry) to CH
13 (Highway Commercial) for John Robutz on subject property is
14 hereby granted.

15
16 DONE AND DATED THIS 22nd DAY OF November, 1982

17
18 Harold L. Hynne
19 Chairman

20
21 Alvin A. Cheyne
22 Commissioner

23
24 Neil Kuonen
Commissioner

25 APPROVED AS TO FORM:
26 BOIVIN AND BOIVIN
BY [Signature]

27 Commissioners Journal

28 CLUP & ZC 16-82
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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 23rd day of November A.D., 1982 at 4:26 o'clock P M,
and duly recorded in Vol M82, of Deeds on page 15650.

Fee \$ None

EVELYN BIEHN COUNTY CLERK
by Bernhard Litsch Deputy