

1 In the Matter of Appeal of)
2 Comprehensive Land Use Plan Map)
3 Change and Zone Change No. 14-84)
for Richard Kopczak, Applicant)

ORDER

4 This Comprehensive Land Use Plan Map Change and Zone Change
5 14-84 for Richard Kopczak came on for public hearing before the
6 Klamath County Board of Commissioners on April 10, 1985, wherefrom
7 the testimony, reports, and information produced at the hearing by
8 the applicant and Planning Staff, the Board of Commissioners denied
9 applicant's Land Use and Zone Change from Agricultural to Trans-
10 portation Commercial and from EFU-CG (Exclusive Farm Use-Cropland/
11 Grazing) to CH (Highway Commercial) to allow for a real estate
12 office and other commercial development.

13 The Board of Commissioners makes the following findings of
14 fact:

15 FINDINGS OF FACT

16 1. The property for change of the Comprehensive Land Use
17 Plan and Zone was located in Section 33, Township 35, Range 7,
18 being Tax Lot 1202.

19 2. The Board of Commissioners finds the applicant to be
20 Richard R. Kopczak, who is the owner of the property described in
21 No. 1, above.

22 3. The parcel for change was rectangular in shape and was
23 approximately 4.5 acres in size.

24 4. Testimony, by letter, from the State Highway Department
25 was read into the record, containing a recommendation for denial.
26 Reasons stated for denial were that there were other adequate
27 sites currently zoned for the proposed use, and that stopping and
28 turning movements create conflicts for through traffic.

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1 5. The applicant stated he had no major immediate plans for
2 commercial use or future plans for commercial use.

3 6. The Commissioners discussed with the applicant the possi-
4 bility for a continuation of the hearing. The Klamath County land
5 use plan allows for a commercial Conditional Use Permit in the
6 present EFU-CG zone to allow a home occupation.

7 7. The applicant submitted a revised exceptions paper. This
8 paper did not have a site design and did not show the provisions
9 for construction of safe and adequate access from Highway 97 which
10 is a major traffic carrier. The paper did not address a plan for
11 future commercial development.

12 CONCLUSIONS OF LAW

13 1. The Board of Commissioners concludes that the requested
14 change in the Comprehensive Land Use Plan and Zone Change did not
15 permit orderly and beneficial development, while protecting the
16 character of neighborhoods and the social and economic stability
17 of the County.

18 2. The Board of Commissioners concludes that while the site is
19 used for the home for the agricultural unit, it could be planned
20 "Commercial" in the future. The time for this will be at a planned
21 update.

22 3. The Board of Commissioners concludes that the Zone Change
23 requested did not contain traffic, site, or need specifications to
24 grant an immediate Zone Change.

25 NOW, THEREFORE, IT IS HEREBY ORDERED that the Appeal of
26 Comprehensive Land Use Plan Map Change and Zone Change from
27 Agricultural to Transportation Commercial for Richard R. Kopczak
28 ///

1 is hereby denied.

2 Dated this 30th Day of April, 1985.

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4 KLAMATH COUNTY BOARD OF COMMISSIONERS

5
6 Carroll Zon Gerbert
7 Carroll Zon Gerbert, Chairman

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9 Roger Hamilton
10 Roger Hamilton, Commissioner

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12 Jim Rogers, Commissioner

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19 APPROVED AS TO FORM:

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21 Robert D. Bolvin
22 Robert D. Bolvin

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28 Appeal of CLUP & ZC 14-84
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 6th day
of August A.D., 19 85 at 10:00 o'clock A M., and duly recorded in Vol. M85,
of Deeds on Page 12384.

FEE NONE

Evelyn Biehn
By _____

County Clerk

Ret: Commissioners' Journal