

BEFORE THE PLANNING COMMISSION AND BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

In the Matter of Request for) Klamath County Planning
) Commission and Board of
 CULP & ZC 7-86 for James A.) Commissioners' Findings
 Smejkal, Robert A. Smejkal and) of Fact and Order
 Sandee Simmons.)

This comprehensive land use plan and zone change number 7-86 for James A. Smejkal, Robert A. Smejkal and Sandee Simmons came on for public hearing before the Klamath County Planning Commission and Board of Commissioners on January 14, 1987. James A. Smejkal produced testimony, reports, and information concerning the application for land use change from forestry to rural and a zone change from F (Forestry) to R-1 (rural, one-acre minimum).

On January 14, 1987, the Planning Commission and Board of Commissioners; after reviewing testimony, reports, and information concerning the application; made a motion for approval. The land use plan and zone, therefore, will be rural and R-1 on parcel as described for TRACT 1227 known as Tall Pines Estates.

FINDINGS OF FACT:

1. The property in question is generally located approximately 1 mile northeast of State Highway 58 and more particularly described as being in the SE1/4 NW1/4, E1/2 SW1/4 of Section 17, Township 25, Range 8.

2. The Planning Commission and Board of Commissioners

1 - FINDINGS OF FACT AND ORDER

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 Attorney At Law
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1 found James A. Smejkal, Robert A. Smejkal, Trustee and Sandee
2 Simmons to be the applicants for the land use and zone change.

3 3. The Planning Commission moved to approve Exceptions
4 Document, indicating the site as being committed under OAR 660-
5 04-028. (See attached Exceptions Document and TRACT 1227.)

6 4. The parcel is rectangular in shape and consists of
7 approximately 120 acres.

8 5. Testimony indicated that the parcel for change had
9 drainage that would run towards existing drains.

10 6. It was pointed out by the applicant, James A.
11 Smejkal, that the proposed use would be compatible with other
12 adjacent uses and the use would have no adverse impact on the
13 surrounding area.

14 7. The Planning Commission and Board of Commissioners
15 made its motion to include the L.C.D.C. Goals 1 through 14 of the
16 Staff Report to add their findings.

17 8. It was noted that access to property would be able
18 to carry the kind of traffic that would be generated from the
19 proposed use.

20 9. The Planning Commission and Board of Commissioners
21 took testimony from James A. Smejkal as follows:

22 (a) That the site had been subdivided with the final
23 plat being finalized on January 25, 1984;

24 (b) Mr. Smejkal incurred substantial expenses in the
25 physical development of the subject property including installa-
26 tion of eleven (11) new septic tanks for which Mr. Smejkal

2 - FINDINGS OF FACT AND ORDER

1 received final approvals;

2 (c) Ten (10) of the lots have been transferred into
3 separate ownership. Lots 8 and 9, Block 1, Tall Pines Estates,
4 have been transferred to Sandee Simmons and Lots 2, 4, 6, 11, 13
5 and 15, Block 1 and Lots 2 and 6, Block 2, Tall Pines Estates,
6 have been transferred to Kenneth Smejkal and Robert Smejkal as
7 trustees of a certain Trust Agreement dated December 24, 1983.
8 The transfer of property has created a different ownership
9 pattern so that no particular owner owns more than ten (10)
10 contiguous acres.

11 The following conclusions of law are based on the
12 foregoing findings of fact:

13 CONCLUSIONS OF LAW:

14 1. The Planning Commission and Board of Commissioners
15 conclude that this change would permit orderly and beneficial
16 development, while protecting the character of neighborhoods and
17 communities, and the social and economical stability of the
18 County.

19 2. The Planning Commission and Board of Commissioners
20 conclude that this change supports the protection of the County's
21 space and resources while providing for appropriate development.

22 3. The Planning Commission and Board of Commissioners
23 conclude that this change will further the goals of and policies
24 of the Klamath County Comprehensive Plan.

25 4. The Planning Commission and Board of Commissioners
26 conclude that the change of comprehensive plan designation

3 - FINDINGS OF FACT AND ORDER

1 complies with the conditions of Article 48 of the Land
 2 Development Code and that the review criteria contained in
 3 Section 48.003A through C have been satisfied.

4 5. The Planning Commission and Board of Commissioners
 5 conclude that the change of zone designation complies with the
 6 conditions of Article 47 of the Land Development Code and that
 7 the review criteria set forth in Section 47.003A through D have
 8 been satisfied.

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the applica-
 10 tion for James A. Smejkal is hereby approved.

11 DONE AND DATED this 12th day of February, 1987.

12 KLAMATH COUNTY
 13 BOARD OF COMMISSIONERS

14 Jim Rogers
 15 JIM ROGERS, CHAIRMAN OF THE BOARD

16 Roger Hamilton
 17 ROGER HAMILTON, COUNTY COMMISSIONER

18 Ted Lindow
 19 TED LINDOW, COUNTY COMMISSIONER

21 Roy R. Huberd
 22 Roy R. Huberd
 23 Secretary to Planning Commission

KLAMATH COUNTY
 PLANNING COMMISSION

14 John Monfore
 15 John Monfore, Chairman

16 NA
 17 Edward Livingston, Vice Chairman

18 NA
 19 Mildred Brooks, Member

20 NA
 21 Fran Gorham, Member

22 NA
 23 Georgia Dehlinger, Member

24 NA
 25 Susan Crismon, Member

26 NA
 John Elliott, Member

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NA

Paul Zech, Member

APPROVED AS TO FORM AND CONTENT:

NA

Steve Sherman, Member

BOIVIN & UERLINGS

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5 - FINDINGS OF FACT AND ORDER

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 17th day
of February A.D., 19 87 at 10:05 o'clock A M., and duly recorded in Vol. M87,
of _____ Deeds on Page 2459.Evelyn Biehn, County Clerk
By [Signature]

FEE NO FEE

Return: Commissioners' Journal