

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION)
 FOR COMPREHENSIVE LAND USE)
 PLAN CHANGE ASSOCIATED WITH)
 PELICAN CITY ZONE CHANGE NO. 75-2)
 FOR GENE BYRNES)

O R D E R

THIS MATTER having come on for hearing upon the application of GENE BYRNES for a Comprehensive Land Use Plan change associated with Pelican City Zone Change 75-2 for a change from Commercial General and Agricultural to Heavy Industrial on the map for Pelican City on that portion of the subject property not already shown as Heavy Industrial, a more particular description of the real property being described as a piece or parcel of land situated in Section 18, Township 38 South, Range 9, East of the Willamette Meridian, being all of that portion of the SE $\frac{1}{4}$ of said Section 18, lying northeasterly of U.S. Highway 97 as the same is presently located and constructed; containing 135.9 acres more or less and being subject to all rights-of-way and/or easements of record or apparent on the premises. A public hearing on the application having been heard by the Klamath County Planning Commission on June 8, 1976, where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department Staff and others present in attendance, the Planning Commission recommended approval of the application. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was held on July 26, 1976, where from the testimony it appeared that the record was accurate and complete and it appearing from the testimony, reports and information produced at the hearing that the application should be approved, the Board of County Commissioners makes the following findings of fact and conclusions of law as required by the Pelican City Zoning Ordinance No. 8:

Findings of Fact:

1. The majority of the 135.9 acres is already designated M-2 (Industrial).
2. A conditional use permit has been approved for the existing asphalt plant.
3. The majority of the 135.9 acres is already designated as Heavy Industrial on the Comprehensive Land Use Plan map and therefore, not that great of change in the Comprehensive Land Use Plan map.

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4. There is no present agricultural use of the subject property or the adjacent property.

5. The proposed change to Industrial is in keeping with trends of the present use of the subject property.

Conclusions of Law:

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 use.

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

5. 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of GENE BYRNES for a Comprehensive Land Use Plan change associated with Pelican City Zone Change 75-2 for a change from Commercial General and Agricultural to Heavy Industrial on the real property more particularly described as a piece or parcel of land situated in Section 18, Township 38 South, Range 9, East of the Willamette Meridian, being all of that portion of the SE $\frac{1}{4}$ of said Section 18, lying northeasterly of U.S. Highway 97, is hereby approved.

DONE AND DATED THIS 22nd day of September, 1976.

Raymond P. Thorne
Chairman

Bryan Williams
Commissioner

John G. H.
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By Boivin and Boivin

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 September A.D., 1976 at 9:31 o'clock A. M., and duly recorded in Vol. M76, of Deeds on Page 14915.

FEE no fee

WM. D. MILNE, County Clerk

By Barth De Vore Deputy