

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF)
 APPLICATION FOR)
 PELICAN CITY)
 ZONE CHANGE NO. 75-2)
 BY GENE BYRNES)

O R D E R

THIS MATTER having come on for hearing upon the application of GENE BYRNES for a zone change from R 7.5 (Residential) zone to M-2 (Industrial) zone on 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 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 site has been used as a rock crushing plant from 1956 to 1961.
2. The site is 135.9 acres in size which is adequate.
3. There has been a quarry on the site since 1937. The batch plant has been in continuous operation since 1958. A powder magazine and cap house has been on the site since prior to zoning.
4. Access to the highway is adequate.
5. There is a need for fill material, concrete aggregate and rock aggregate in the community.

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6. The proposed zone change will not change the use or increase any adverse effect on abutting property.

7. DEQ regulations are being compiled with and a development plan has been prepared for the State Department of Minerals.

Conclusions of Law:

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

2. The property affected by the proposed change of zone 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 change of zone 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 change of zone 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 change of zone 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 change of zone from R 7.5 (Residential) zone to M-2 (Industrial) zone, 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

Commissioner

Floyd Giff
Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By John D. 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., 19 76 at 9:31 o'clock A. M., and duly recorded in Vol M76 of Deeds on Page 14917.

FEE no fee

WM. D. MILNE, County Clerk

By _____ Deputy