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BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE APPLICATION)
FOR PELICAN CITY ZONE CHANGE)
NO. 76-2 BY WILLIAM ADAMS)

O R D E R

THIS MATTER having come on for hearing upon the application for Pelican City Zone Change 76-2 by William Adams for a change in zone from M-1 (Limited Industrial) to M-2 (Heavy Industrial), and a public hearing having been heard by the Klamath County Planning Commission on August 24, 1976, where from the testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons 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 regularly held on September 21, 1976, where from the testimony, reports and information produced at the hearing that there was not substantial evidence for the action taken by the Planning Commission and that the application for Pelican City Zone Change 76-2 by William Adams, he called for a new hearing before the Board of County Commissioners. This motion was seconded and all were in favor. On October 18, 1976, a new hearing was held on the application for Pelican City Zone Change 76-2 by William Adams, the change being from M-1 (Limited Industrial) to M-2 (Heavy Industrial) and where from the testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, that the application for a change of zone for that certain property described as a parcel of land approximately 35,000 square feet in area and generally located on the north side of Gage Road approximately 150 feet east of Lakeport Blvd. and more particularly described as being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 38 South, Range 9, East of the Willamette Meridian, should not be granted and the Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 8, the same being the Pelican City Zoning Ordinance:

Findings of Fact:

1. The trend in the area surrounding the proposed site is basically that of Residential.
2. The proposed change of zone to M-2 will have an adverse effect on surrounding properties as mentioned from the opposition's testimony.
3. The proposed change of zone is not in keeping with any land use plans as the M-2 zone allows for Heavy Industrial uses of which is not allowed by the Comprehensive Land Use Plan.

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Conclusions of Law:

1. The property affected by the change of zone is not 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 not 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 an adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed change of zone is not 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. That the proposed change of zone is not 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 for Pelican City Zone Change 76-2 for a change in zone from M-1 (Limited Industrial) to M-2 (Heavy Industrial) on real property described as a parcel of land approximately 35,000 square feet in area and generally located on the north side of Gage Road, approximately 150 feet east of Lakeport Blvd. and more particularly described as being located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 38 South, Range 9, East of the Willamette Meridian, said application being Pelican City Zone Change 76-2 is hereby denied.

DONE AND DATED this 23rd day of November, 1976.

Raymond P. Thorne
Raymond Thorne
Chairman

Bryant Williams
County Commissioner

Lloyd Giff
Lloyd Giff
County Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Bradford Aspin*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 17th day of
DECEMBER A.D., 1976 at 10:54 o'clock A.M., and duly recorded in Vol M76
of DEEDS on Page 20147.

FEE NONE.

WM. D. MILNE, County Clerk

By *Hazel Drazic* Deputy