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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 COMPREHENSIVE LAND USE PLAN )  
MAP CHANGE ASSOCIATED WITH THE )  
APPLICATION FOR ZONE CHANGE NO. )  
76-20 BY MICHAEL A. HENSLEY )

## O R D E R

THIS MATTER having come on for hearing for an amendment to the Comprehensive Land Use Plan accompanying Zone Change 76-20 for a change from Agricultural to Suburban Density on the Comprehensive Land Use Plan map. A public hearing having been heard by the Klamath County Planning Commission on October 26, 1976, where from the testimony, reports and information produced at the hearing by the applicant, members of the Planning Department Staff, and others in attendance, the Planning Commission recommended disapproval of the application. Following action by the Planning Commission a public hearing before the Board of County Commissioners was regularly held on December 8, 1976, where from the testimony it appeared that the record was accurate and complete and it appearing from reports and information produced at the hearing that there was substantial evidence for the action taken by the Planning Commission and that application for a change in the Comprehensive Land Use Plan for real property described as a parcel of land approximately 40 acres in size, generally located on the southerly side of 2nd Street, and approximately 660 feet east of U.S. Highway 97, east of and adjacent to Midland Hills Estates and more particularly described as: All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 1, Township 40, Range 8, should be disapproved. The Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the Klamath County Zoning Ordinance:

## Findings of Fact:

1. The applicant has failed to demonstrate a public need for the proposed land development of the proposed 54 lots on the 40 acre parcel as described in the legal description.
2. The applicant failed to show the lack of other available property by any direct testimony.
3. The applicant failed to prove that the roads are adequate and properly related to streets and highways to serve the type of traffic that would be generated by such development.
4. The applicant failed to provide sufficient evidence to prove, trends in land development, and density, in the proposed area, towards a Suburban Density development.

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Conclusions of Law:

1. The property affected by the Comprehensive Land Use Plan change is not adequate in size and shape to facilitate those uses normally allowed in conjunction with such uses.
2. The property affected by the proposed Comprehensive Land Use Plan change 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 Comprehensive Land Use Plan change will have an adverse effect on any property or the permitted uses thereof within the affected area.
4. The proposed Comprehensive Land Use Plan change is not in keeping with land uses and improvements, trends in land development, density and prospective needs for development in the affected area.
5. The proposed Comprehensive Land Use Plan change represents the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Application of Michael A. Hensley for amendment to the Comprehensive Land Use Plan accompanying zone change 76-20 from Agricultural to Suburban Density on real property described as a parcel of land approximately 40 acres in size, generally located on the southerly side of 2nd Street, and approximately 660 feet east of U.S. Highway 97, east of and adjacent to Midland Hills Estates and more particularly described as: All of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 1, Township 40, Range 8, is hereby denied.

DONE AND DATED THIS 12th day of January, 1977.

*Lloyd Gift*  
Lloyd Gift  
Chairman

Nell Kuonen  
County Commissioner

*Raymond P. Thorne*  
Raymond Thorne  
County 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 25th day of FEBRUARY A.D., 19 77 at 2:58 o'clock P.M., and duly recorded in Vol. 3359 of DEEDS on Page 3359.

FEE none

WM. D. MILNE, County Clerk

By *W. D. Milne* Deputy