

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 76-26, DAVID VANDENBERG
FOR RAFTER NINE CORPORATION

O R D E R

THIS MATTER having come on for hearing upon the application of David Vandenberg for Rafter Nine Corporation for an amendment to the Comprehensive Land Use Plan accompanying Zone Change 76-26 for a change from Agriculture to Heavy Industrial on the Comprehensive Land Use Plan map. A public hearing having been heard by the Klamath County Planning Commission on January 11th, 1977, where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department staff and other persons in attendance, the Planning Commission recommended approval. Following action by the Planning Commission a public hearing before the Board of County Commissioners was regularly held on February 15, 1977, 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 below that the application for change of Comprehensive Land Use Plan for certain real property described in Exhibit "A", attached hereto and by reference made a part herein, should be granted.

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. Testimony before the Planning Commission on January 11th, 1977, was introduced as Applicant's Exhibit 1, which indicated that the proposed lot size was 1.9 acres and, therefore, allowed the use of a batch plant on the proposed site, which is described in Exhibit A, which is attached.

2. Adams Point Road, which was pointed out by staff on Klamath County Exhibit C, the Assessor's Map number 109, indicated the property affected is properly related to Adams Point Road which is a dead end road and will adequately serve the type of traffic generated by said use.

3. On January 11th, 1977, before the Planning Commission, applicant presented testimony indicating that the proposed use, being a batch plant with the proposed change being from Agriculture to Heavy Industrial will have no adverse effect on any property or the permitted uses within the affected area.

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4. It was indicated to the Planning Commission by the applicant that the need for this proposed change to allow a cement mixer on the proposed site would provide a closer and more economical source of concrete to the Malin Area.

5. Testimony indicated that, at the proposed site, cement trailings, droppings and cement left-overs would be maintained and the area would be kept clean, plus adding a cyclone fence to keep and maintain its proposed use inside the described 1.9 acres.

6. The Comprehensive Land Use Plan change from Agricultural to Heavy Industrial, that was presented by the applicant, to the Planning Commission on January 11th, 1977, indicated that this change represented the best and most appropriate use of the land affected to serve the southern portion of the County.

7. Applicant presented testimony to the Planning Commission that they had looked into other available sites but they did not appear to be economically feasible.

8. The Planning Department Staff received a letter from the Malin Area Committee dated November 10th, 1976, that they unanimously approved of the change and the letter was made a part of the record before the Planning Commission on January 11, 1977.

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 uses.

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 and prospective needs for development in the affected area.

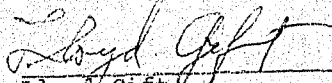
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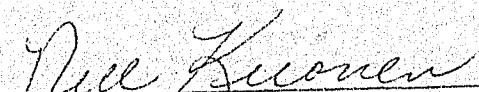
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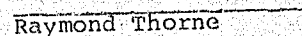
5. The proposed Comprehensive Land Use Plan change represents the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of David Vandenberg for Rafter Nine Corporation for amendment to the Comprehensive Land Use Plan accompanying Zone Change 76-26, requesting a change from Agricultural to Heavy Industrial on real property described in Exhibit "A", attached hereto and by reference made a part herein, is hereby granted.

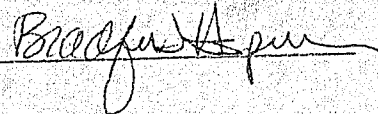
DONE AND DATED THIS 14th day of March, 1977.


Lloyd Gift
Chairman


Neil Kuonen
County Commissioner


Raymond Thorne
County Commissioner

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
County Legal Counsel

By 

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EXHIBIT A
LEGAL DESCRIPTION

COMPREHENSIVE LAND USE PLAN CHANGE
AND ZONE CHANGE 76-26
David Vandenberg for Rafter Nine

A piece or parcel of land situate in the SW $\frac{1}{4}$ - NW $\frac{1}{4}$ of Section 2, T. 41 S., R. 11 E., W.M., being more particularly described as follows:

Beginning at a point in the easterly right-of-way fence of the existing county road along the west line of said Section 2, from which point the East $\frac{1}{4}$ corner of Section 10, T. 41 S., R. 11 E., W. M. bears N 89° 07' 50" W 27.0 feet and S 0° 02' 50" W 6148.5 feet distant; thence N 0° 02' 50" E along said easterly right-of-way fence 439.88 feet to a 5/8" iron pin; thence S 89° 57' 10" E 194.20 feet to a 5/8" iron pin reference monument; thence S 89° 57' 10" E 3.60 feet to a point; thence S 2° 15' 20" W 442.96 feet to a 5/8" iron pin; thence N 89° 07' 50" W 180.8 feet to the point of beginning, containing 1.90 acres, more or less, and being subject to all rights-of-way and/or easements of record or apparent on the premises.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS
this 6th day of APRIL A.D. 1977 at 11:09 o'clock AM. and
duly recorded in Vol. M 77 of DEEDS on Page 5734

FEE NONE

Wm D. MILNE, County Clerk

By *Hazel Shazie*