

BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF THE APPLICATION )  
FOR COMPREHENSIVE LAND USE PLAN )  
MAP CHANGE ASSOCIATED WITH THE )  
APPLICATION FOR ZONE CHANGE 76-32 )  
by BILL BROWN )

ORDER

THIS MATTER having come on for hearing upon the applica-  
tion of BILL BROWN for an amendment to the Comprehensive Land Use  
Plan accompanying Zone Change 76-32 for a change from UDR (Urban  
Density Residential) to CG (Commercial General) on the Comprehensive  
Land Use Map. A public hearing having been heard by the Klamath  
County Planning Commission on February 22, 1977, where from the  
testimony, reports and information produced at the hearing by the  
applicant, members of the Planning Department staff and other  
persons in attendance, the Planning Commission recommended approval.  
Following action by the Planning Commission, a public hearing be-  
fore the Board of County Commissioners was regularly held on  
March 10, 1977, where from the testimony it appeared that the  
record below was accurate and complete and it appearing from the  
testimony, reports and information produced at the hearing below  
that the application for change on the Comprehensive Land Use Plan  
Map for certain real property .22 acres in size and generally  
located on the west side of Highway 140, approximately 400 feet  
north of Stewart Street and approximately 961 feet north of Gerber  
Street; more particularly described as Tax Lot 1700 located in the  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T36S, R14EWM, Klamath County, Oregon, 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. The property subject to the CLUP and Zone Change consists of approximately .22 acres that is generally located on the west side of Highway 140, approximately 400 feet north of Stewart Street and approximately 961 feet north of Gerber Street; more particularly described as Tax Lot 1700 located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 34, T36S, R14EWM, Klamath County, Oregon.

2. Adjacent properties in the area are zoned M-2 (Medium Manufacturing Industrial) and M-3 (Heavy Manufacturing Industrial) to the north. Directly across Highway 140 is RA (Residential Agriculture) zoning and south of the subject property is RA (Residential Agriculture) zone on which is located a Union Hall. Along Highway 140 are scattered C-5 (Commerical Highway) zones in Bly, Oregon.

3. The applicant seeks a Comprehensive Land Use Plan Change to CG (Commerical General) on the subject property in order to construct a Restaurant to serve the residents of Bly. The applicant testified that there had been two restaurants in Bly for a number of years, but one had been closed down and did not reopen. A new restaurant had been constructed, but it was only open from 5 PM to 10 PM and it was associated with a bar. A donut shop had been built that only served coffee and donuts to the public. Mr. Brown testified that during the day there was only one restaurant in the area that served the general public and that it only had a seating capacity of approximately 32 seats to serve the approximate



1 600 people in the immediate area. He testified that his proposed  
2 restaurant would have a capacity of 36 seats and that it would be  
3 open all day and would serve 3 meals; breakfast, lunch and dinner.

4 4. The applicant testified that he had checked with  
5 the Highway Department and had been granted access to Highway 140.  
6 He had planned enough parking facilities on the property to meet  
7 the ordinance requirement of one parking space for every three  
8 seats in the restaurant.

9 5. The applicant testified that, due to the noise factor  
10 from Weyerhaeuser plant to the north, the property was unsuitable  
11 for residential use and there hadn't been any new construction of  
12 homes in the immediate area for over 25 years.

13 6. The Planning Commission found that Highway 140 could  
14 adequately accomodate the traffic generated by the proposed use  
15 and that there would be little adverse effect on surrounding  
16 properties as there are other commerical properties on Highway 140  
17 in Bly.

18 CONCLUSIONS OF LAW:

19 1. The property affected by the Comprehensive Land Use  
20 Plan change is adequate in size and shape to facilitate those uses  
21 normally allowed in conjunction with such uses.

22 2. The property affected by the proposed CLUP change is  
23 properly related to streets and highways to adequately serve the  
24 type of traffic generated by such uses that may be permitted  
25 therein.

26 3. The proposed CLUP change will have no adverse effect  
27 or only limited adverse effect on any property or the permitted  
28 uses thereof within the affected area.

1 4. The proposed CLUP change is in keeping with land uses  
2 and improvements, trends in land development, density and prospec-  
3 tive needs for development in the affected area.

4 5. The proposed CLUP change represents the highest, best  
5 and most appropriate use of the land affected.

6 NOW, THEREFORE, IT IS HEREBY ORDERED that the application  
7 of BILL BROWN for amendment to the Comprehensive Land Use Plan map  
8 accompanying Zone Change 76-32 requesting a change from UD (Urban  
9 Density) to CG (Commerical General), on real property described as  
10 Tax Lot 1700 located in the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, T36S, R14EWM in  
11 Klamath County, Oregon, is hereby granted.

12 DONE AND DATED THIS 10<sup>th</sup> day of October, 1977.

13  
14 Lloyd Giff  
15 CHAIRMAN OF THE BOARD

16 Neil Kuonen  
17 COUNTY COMMISSIONER

18 Harold L. Myrnes  
19 COUNTY COMMISSIONER

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

23 BY Bradford H. ...

24 STATE OF OREGON; COUNTY OF KLAMATH; ss.

25 filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS

26 this 11th day of OCTOBER 1977 at 8:57 o'clock AM, and

27 duly recorded in Vol. M77, of DEEDS on Page 19308

28 NO FEE

Wm D. MILNE, County Clerk

By Harold L. Myrnes

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