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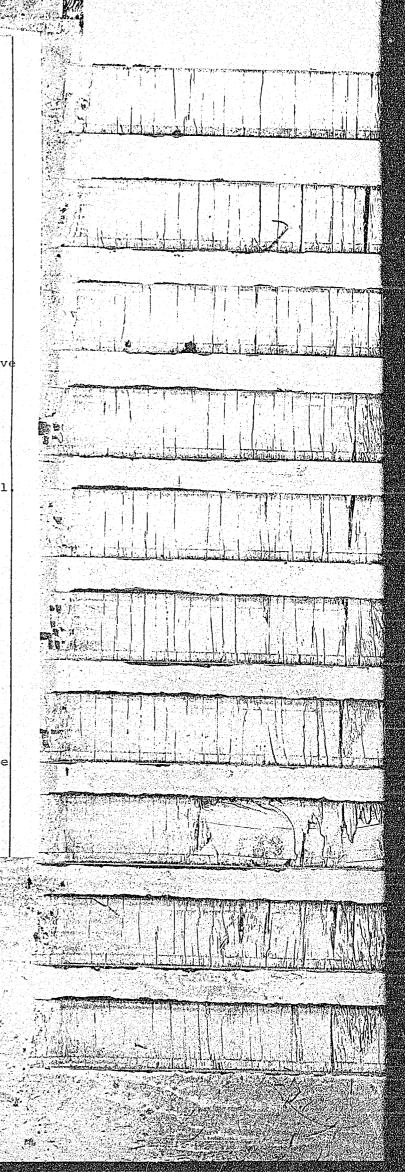
BOARD OF COUNTY COMMISSIONERS

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

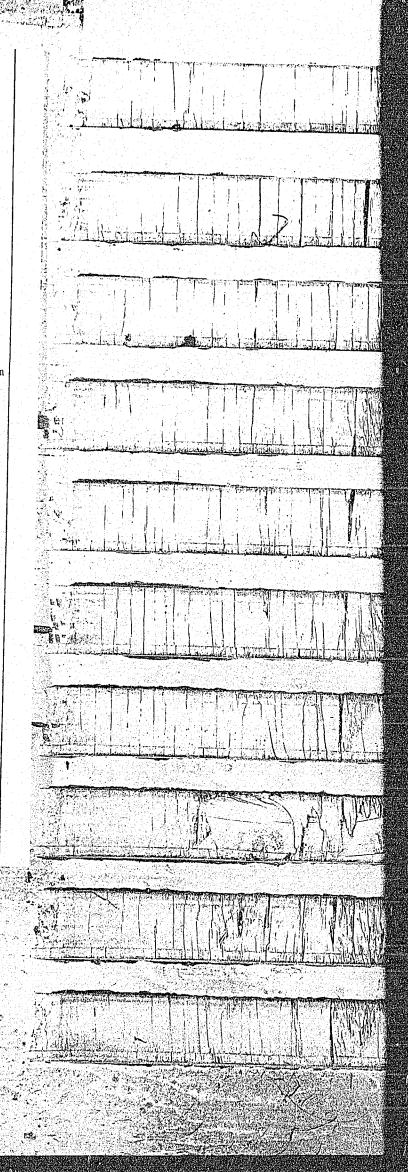
ORDER

THIS MATTER having come on for hearing upon the application 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 before 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 NW4 SE4 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% SE% 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 (Commercial Highway) zones in Bly, Oregon.
- 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 ORDER NO. 76-32 CLUP-BROWN Page 2



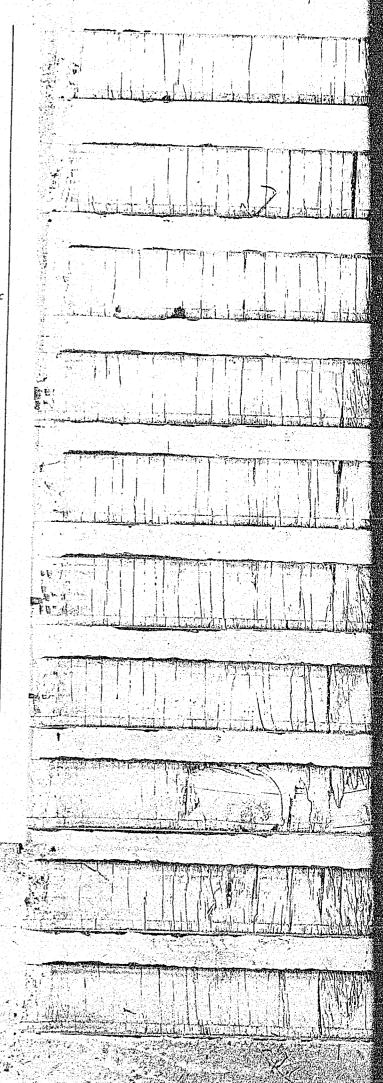
600 people in the immediate area. He testified that his proposed restaurant would have a capacity of 36 seats and that it would be open all day and would serve 3 meals; breakfast, lunch and dinner.

- 4. The applicant testified that he had checked with the Highway Department and had been granted access to Highway 140. He had planned enough parking facilities on the property to meet the ordinance requirement of one parking space for every three seats in the restaurant.
- 5. The applicant testified that, due to the noise factor from Weyerhauser plant to the north, the property was unsuitable for residential use and there hadn't been any new construction of homes in the immediate area for over 25 years.
- 6. The Planning Commission found that Highway 140 could adequately accommodate the traffic generated by the proposed use and that there would be little adverse effect on surrounding properties as there are other commercial properties on Highway 140 in Bly.

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 CLUP 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 CLUP change will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

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- 4. The proposed CLUP change is in keeping with land uses and improvements, trends in land development, density and prospective needs for development in the affected area.
- 5. The proposed CLUP change represents the highest, best and most appropriate use of the land affected.

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

DONE AND DATED THIS 10 _day of October, 1977.

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

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TATE OF OREGON; COUNTY OF KLAMATH; SS.

Hed for record of request of KLAMATH COUNTY BOARD OF COMMISSIONERS

this 11th day of OCTOBER A. D. 1977 of o'clock AM., one

duly recorded in Vol. ___M77 , of __DEEDS

on Page 1930

NO FEE

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Wm D. MILNE, County Clerk

