

37494

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BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPLICATION
FOR ZONE CHANGE 76-32
BILL BROWN

O R D E R

THIS MATTER having come on for hearing upon the application of BILL BROWN for a change in zone from RA (Residential Agricultural) to C-5 (Commercial Highway). 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 Klamath County 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 March 10, 1977, where from the testimony it appeared that the record below was accurate and complete and it appearing from testimony, reports and information produced at the hearing below that the application for a zone change on 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 Commissioners made 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 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. The applicant seeks a zone change from RA (Residential Agriculture) to C-5 (Commercial Highway) on the subject property in order to construct a restaurant to serve the Bly area. The applicant testified that there had been two restaurants in Bly for a number of years, but one had 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 that served only coffee and donuts had also been constructed in the area. Mr. Brown testified that the one restaurant that served meals during the day had a seating capacity of approximately 32 seats. There are approximately 600 people in the Bly area and his proposed restaurant would have a capacity of 36 seats and would serve meals during the day to help serve these people.

3. The applicant and the Planning Department staff testified that Highway 140 could accommodate the traffic generated by the proposed use and that the property had adequate access to the highway. The applicant also showed on his plot plan that the property would have adequate parking facilities for the proposed use. Also the State Highway Department said that traffic patterns in the area would not be affected and that there were no problems with access.

4. The Planning Commission found that the proposed

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1 change would have little adverse effect on surrounding properties
2 in the area because there are other commercial properties on High-
3 way 140 in Bly, and this is the natural and right place for them
4 to be.

5 5. The applicant testified the property was unsuitable
6 for residential uses due to the noise factor from the Weyerhaeuser
7 facilities north of the property. He stated that there hadn't been
8 any construction of residences in the immediate area for over 25
9 years.

10 NOW, THEREFORE, IT IS HEREBY ORDERED that the application
11 of BILL BROWN for a change in zone from RA (Residential Agricul-
12 ture) to C-5 (Commercial Highway) on real property described as
13 Tax Lot 1700 located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T36S, R14EWM in
14 Klamath County, Oregon, is hereby granted.

15 DONE AND DATED THIS 10th day of October, 1977

16
17 *Lloyd Giff*

18 CHAIRMAN OF THE BOARD

19 *Russ Kussner*
20 COUNTY COMMISSIONER

21 *Harold L. Wynne*
22 COUNTY COMMISSIONER

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

26 By: *Bradford J. Aspell*

27 State of Oregon, } ss,
28 County of Klamath }

I hereby certify that the within instrument was
received and filed for record on the 11th
day of OCTOBER, 19 77, at 8:57
o'clock A M. and recorded on Page 19307
in Book M 77 Records of DEEDS
of said County.

WM. D. MILNE, County Clerk

By: *Hazel W. Wray* Deputy

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