

76979

BEFORE THE KLAMATH COUNTY PLANNING COMMISSION AND
BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

Vol. 1481 Page 12597

ORDER # 88-108

IN THE MATTER OF REQUEST FOR)
COMPREHENSIVE LAND USE PLAN AND)
ZONE CHANGE 5-87 FOR BOB ROGERS)

I. NATURE OF APPLICATION

A hearing was held on this matter on June 23, 1987, being a joint hearing before the Klamath County Planning Commission and Board of Commissioners.

This request for a change of Land Use Plan from Urban Residential to General Commercial and Zone Change from Suburban Residential to General Commercial to allow an auto repair shop was considered pursuant to Articles 47 and 48 of the Land Development Code.

II. NAMES OF THOSE INVOLVED

Bob Rogers, the applicant, was represented through Fred and Ruth Monts De Oca, who were present at the hearing and testified. Planning Department staff was present, with Staff Report being read into the record by Senior Planner, Carl Shuck. Klamath County Counsel, Michael Spencer, was present. There was testimony submitted by the proponent and opponents. Proponent testifying was: Fred Monts De Oca. Opponent testifying was: Barbara Wiman.

Letters in Opposition:

Opponents Exhibit 1 - International Woodworkers of America
Opponents Exhibit 2 - Petition dated 6-23-87
Exhibit F - Letter from Donald and Barbara Wiman dated 6-7-87

Exhibit G - Statement from Lawrence Thomas dated 6-19-87
Exhibit I - Letter from Joe Bart dated 6-16-87
Exhibit J - Letter from Klamath County Fire Dist. No. 1 dated

6-19-87

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1 III. LEGAL DESCRIPTION

2 Property is located in Section 10 of Township 39S, Range 9EWM
3 with account number being 3909-10CA-600. General location of
4 site is approximately 390 feet south of Laverne Avenue on the
5 west side of Altamont Drive.

6 IV. RELEVANT FACTS

7 Property is approximately 20,930 square feet, or approxi-
8 mately half an acre in size with topography being generally flat.
9 Site is zoned RS (Suburban Residential) and has two mobile home
10 sites and a shop building existing. The present zoning allows
11 for the existing uses. The surrounding area is zoned RS and
12 is residential in nature. A change in land use and zone would
13 create a spot zone.

14 Services and Facilities:

- 15 A. Access - Off of Altamont Drive, a paved County road.
- 16 B. Sewer - South Suburban Sanitary District
- 17 C. Water - City of Klamath Falls
- 18 D. Fire District - Klamath County Fire District No. 1
- 19 E. Utility Districts - Pacific Power and Light and Pacific
20 Northwest Bell
- 21 F. School District - County School District

22 The following exhibits were offered, received, and made a
23 part of the record:

- 24 Exhibit A - Staff Report
- 25 Exhibit B - Assessor's Map
- 26 Exhibit C - Plot Plan
- 27 Exhibit D - Photographs
- 28 Exhibit E - Public Works Comments

1 Exhibit F - Letter from Wimans dated 6-7-87

2 Exhibit G - Statement of Lawrence Thomas

3 Exhibit H - Statement from Monts De Oca's

4 Exhibit I - Letter from Joe Bart dated 6-16-87

5 Exhibit J - Letter from Klamath County Fire Dist. No. 1

6 Exhibit K - Photographs submitted by Mrs. Wiman

7 V. RELEVANT APPROVAL CRITERIA

8 Refer to Page 4 of the Klamath County Staff Report, Exhibit
9 A, under Land Use Planning, making reference to the Review Cri-
10 teria for a land use plan change, Section 48.003(A-C) and
11 Section 47.003(A-D) of the Land Development Code.

12 VI. FINDINGS

13 The Board of Commissioners and Planning Commission find that
14 the evidence submitted and testimony offered by applicant did not
15 demonstrate the proper criteria for approval as set out in
16 Section 48.003(A-C) and Section 47.003(A-D) of the Land Develop-
17 ment Code.

18 Opposition testifying at the hearing before the Board of
19 Commissioners and Planning Commission indicated that there were
20 other parcels already zoned commercial and that traffic would be
21 increased on Altamont Street which would be an adverse affect on
22 Altamont Drive.

23 VII. CONCLUSIONS

24 This application has not satisfied or addressed the review
25 criteria of Section 48.003(A-C) and Section 47.003(A-D) of the
26 Land Development Code.

27 VIII. ORDER

28 Therefore, the Board of Commissioners accepts the recommenda-

1 of denial of the Planning Commission of application for CLUP and
 2 ZC 5-87 for Bob Rogers for a land use plan change from Urban
 3 Residential to General Commercial and a zone change from RS
 4 (Suburban Residential) to CG (General Commercial) for an auto
 5 repair shop.

6 Dated this 15th day of July, 1987.

7
8 BOARD OF COUNTY COMMISSIONERS

9
10 Jan Rogers
Chairman

11
12 Roger Van Clusen
Commissioner

13
14
15 Tom Fickert
Commissioner

16
17
18 Approved as to Form and Content:

19
20 Michael Spencer
Michael Spencer, County Legal Counsel

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26
27
28 CLUP & ZC 5-87
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 15th day
 of July A.D., 19 87 at 4:25 o'clock P M., and duly recorded in Vol. M87
 of Deeds on Page 12597

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk
 By Patricia Smith