

96187

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

1 IN THE MATTER OF THE REQUEST FOR)
 2 COMPREHENSIVE LAND USE PLAN AND)
 3 ZONE CHANGE 4-88 FOR JAMES L. ROBINSON)

ORDER NO. 89-166

4 I. NATURE OF REQUEST

5 A public hearing was held on this application on September 27,
 6 1988, being a joint hearing before the Klamath County Planning
 7 Commission and the Board of Commissioners.

8 The request for a Change of Land Use Plan from Rural to
 9 Industrial and Zone Change from Rural, 1 Acre to Light Industrial
 10 was considered pursuant to Articles 47 and 48 of the Land Develop-
 11 ment Code. The applicant requests he be permitted to place a
 12 truck repair facility (LDC Section 93.005D) on the property.

13 II. NAMES OF THOSE INVOLVED

14 The applicant, James L. Robinson, was present and offered
 15 testimony in support of this application. The Planning Depart-
 16 ment was represented by Kim Lundahl, Senior Planner. The record-
 17 ing secretary was Karen Burg. David Mannix, Deputy County Counsel,
 18 was present.

19 Members of the Board of Commissioners who sat at this hearing
 20 were Roger Hamilton and Ted Lindow. Members of the Planning
 21 Commission who sat at this hearing were Ned Livingston, Paul Zech,
 22 Susam Crismon, John Kite, and Doug Everett.

23 III. LEGAL DESCRIPTION

24 Portion of Section 18, Township 38S, Range 9E, Tax Acct.
 25 3809-18BB-400 and 3809-18BA-1700, 6.33 acres lying west of
 26 Highway 97, north of the southbound PUC scales, Wocus area.

27 IV. RELEVANT FACTS

28 The Klamath County Planning Department file and all contents
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1 thereof, Exhibits A through K and testimony received, are incor-
2 porated in this order as evidence.

3 Notice of this action and an "Exceptions Statement" prepared
4 pursuant to OAR 660, Division 4, was forwarded to the Department
5 of Land Conservation and Development on August 3, 1988. A response
6 dated September 10, 1988, was received and addressed in an
7 addendum submitted September 14, 1988 (Exhibit K) and forwarded
8 to the DLCD.

9 V. RELEVANT APPROVAL CRITERIA

10 Review criteria relating to this application is set out in
11 Land Development Code Article 47 sub 003 and Article 48 sub 003
12 as follows:

13 A. The proposed change is in conformance with all relevant
14 policies of the Klamath County Comprehensive Plan.

15 B. The proposed change is supported by specific studies or
16 other factual information for that change.

17 C. The change of zone is in conformance with the Comprehen-
18 sive Plan, and all other provisions of the Land Development Code.

19 D. The property affected by the change is adequate in size
20 and shape to facilitate those uses that are normally allowed in
21 conjunction with such zoning.

22 E. The property affected by the proposed change is properly
23 related to streets to adequately serve the type of traffic genera-
24 ted by such uses that may be permitted therein.

25 F. The proposed change will have no adverse effect on the
26 appropriate use and development of abutting properties.

27 VI. FINDINGS

28 The Board of Commissioners and Planning Commission find the
evidence submitted, Exceptions Statement, and testimony offered
demonstrate the approval criteria as set out in Section V, have
been satisfied.

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1 VII. CONCLUSIONS

2 This application has satisfied the review criteria in that
 3 correct notice was given, all relevant Comprehensive Plan policies
 4 and review criteria have been complied with, and an exceptions
 5 statement and addendum were also submitted.

6 VIII. ORDER

7 Therefore, the Board of Commissioners accepts the recommenda-
 8 tion of the Planning Commission, and it is hereby ordered the
 9 submitted exceptions statement and addendum are accepted, and
 10 the request for a Change of Land Use Plan from Rural to Industrial
 11 and Zone Change from Rural, 1 Acre to Light Industrial filed as
 12 application CLUP/ZC 4-88 is granted subject to the following:

13 1. This application is approved subject to Ordinance 45.12;
 14 accordingly, a Limited Use Overlay will be placed on the property
 15 herein described limiting uses to those outlined in LDC Section
 16 93.005D as follows:

17 D. Automotive and Equipment: Repairs, Heavy Equipment -
 18 Repairs of motor vehicles such as aircraft, boats, recreational
 19 vehicles, trucks, etc., as well as the sale, installation and
 20 servicing of automobile equipment and parts together with body
 21 repairs, painting and steam cleaning. Typical uses include
 22 truck transmission shops, body shops or motor freight maintenance
 23 groups.

21 DATED THIS 11th DAY OF January, 1989

22 BOARD OF COUNTY COMMISSIONERS

23 Roger Hamilton
 24 Roger Hamilton, Chairman of the Board

25 Approved as to Form
 26 and Content:

(NOT PRESENT AT HEARING)
 27 Jim Rogers, Commissioner

27 David Mannix
 28 David Mannix
 Deputy County Counsel

Ted Lindow
 Ted Lindow, Commissioner

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day
 of Jan. A.D., 19 89 at 9:03 o'clock A.M., and duly recorded in Vol. M89
 of Deeds on Page 1019

Evelyn Biehn County Clerk

By Douglas Mullendore

FEE none

Return: Commissioners Journal