

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 11-89
FOR JEFFREY J. WIMERORDER # 90-1331. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners January 23, 1990, with the Planning Commission in an advisory role. The applicant is requesting a CLUP/ZC from Rural/R-5 to Industrial/IL on a 7200 sq. ft. parcel located in Fort Klamath. The purpose of the application is to establish a water bottling plant for "Oregon Artesian 101.5 Drinking Water". This application was considered pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant, Jeffrey J. Wimer, was present and presented testimony in behalf of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Leanne Mitchel, Administrative Secretary. Members of the Board of County Commissioners who participated in this hearing were: Harry Fredricks and Ted Lindow. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LEGAL DESCRIPTION

A portion of Lot 4, Block 3, Butlers Fort Klamath. T. A. 3307V-22BB-2600.

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Rural/R-5 to Industrial/IL on a 7200 sq. ft. parcel located in Fort Klamath. The plan/zone designation of properties to the south is Commercial/CH. The plan/zone designation of properties to the north, west and east is Rural/R-5.

The applicant has submitted a Narrative (Exhibit d.) outlining the characteristics of the property, operation plan, methods of production, description of the bottling process, method of delivery, history of the parcel, etc..

Applications for changes to land use plan (CLUP) and zone changes (ZC) are reviewed pursuant to Articles 47 and 48 of the Code.

5. ARTICLE 48-CHANGE OF LAND USE PLAN:

All evidence submitted as the staff report, exhibits b-e, and offered testimony show that the approval criteria as set out below have been satisfied.

A proposed Change of Comprehensive Plan Designation shall be approved if the reviewing authority finds that:

A. the proposed change is in compliance with the Statewide Planning Goals, and B. the proposed change is in conformance with all policies of the Klamath County Comprehensive Plan:

Goal 1-Citizen Involvement The Board finds this application properly noticed and therefore the opportunity for "citizen involvement" has been afforded.

Goal 2-Land Use Planning The request affects a very small parcel and is found to have little area or regional impact.

Goal 9-County Economy State and local planners are required to diversify and improve the economy. There is only one water bottling facility of size or consequence located in Klamath County and it is currently in the development stages at Lake Glacid, about six miles to the south of the subject property. This facility does not bottle "artesian" water as would the project proposed. This proposal will generate limited local employment and add a unique product to the local economy.

Goal 11-Public Facilities and Services The Board finds the proposal will

not have an adverse impact on public facilities and improvements. Access to the project will be from Hwy 62. The impact of two additional trucks to the normal traffic count is slight and further mitigated by the improvements planned for the State Hwy in the next several years.

The significance of this project to other state/local goals/policies is deemed inconsequential or not applicable.

6. ARTICLE 47-CHANGE OF ZONE DESIGNATION:

All evidence submitted as the staff report, exhibits b-e, and offered testimony show that the approval criteria as set out below has been satisfied.

A proposed change of zone shall be approved if the reviewing authority finds that:

A. The change of zone is in conformance with the Comprehensive Plan, and all provisions of the Land Development Code;

If the applicants narrative and request for a change in the Land Use Plan designation are accepted the requested zone change from RURAL/R-5 to INDUSTRIAL-LIGHT will be in conformance.

B. The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with the zoning.

The use proposed by the applicant, "Oregon Artesian 101.5 Drinking Water" is a site specific use justified by the "Applicants Narrative". Accordingly the Board finds this property is adequate in size and shape to accommodate the proposed use only and this zone change is approved subject to "limited

use overlay" per section 52.007 of the code limiting the use of the property to the use justified in the narrative.

C. The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein;

The applicants documentation indicates two trucks will be the added vehicle volume per day. The Board finds this increase will not be significant given the level of improvement existing on the Crater Lake Highway.

D. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.

The property already contains a residential structure and outbuildings. The conversion of an existing outbuilding to a bottling house with one employee is found not to detract from the ability of abutting property owners to utilize their properties to the extent of the applied zonings.

7. CONCLUSIONS AND ORDER

The Board of County Commissioners finds the applicant has satisfied the pertinent review criteria as set out in Oregon Administrative Rules and Articles 47 and 48 of the Code. Correct notice was given and the intent of the statewide planning program has been met.

Therefore, it is ordered the request for CLUP/ZC 11-89 is approved for a Change in the Land Use Plan from Rural to Industrial and a zone change from R-5 to Industrial-Light with a Limited Use Overlay.

DATED this 30th day of January, 1990

Chairman of the Board

Harry J. Zudrud
Commissioner

Jeff Erickson
Commissioner

Approved as to form and content:

Michael L. Spencer
Michael L. Spencer, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this order. Contact the Klamath County Planning Department for information as how to file this appeal. Failure to do so in a timely manner may affect your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 2nd day
of Feb. A.D., 19 90 at 3:32 o'clock P.M., and duly recorded in Vol. M90,
of Deeds on Page 2397.

FEE \$none

Evelyn Biehn, County Clerk

By Paulene Muelenders

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