

13268

Vol. m90 Page 6395

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 2-90
FOR WALTER AND TERESE SEALS

ORDER #90-167

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners March 27, 1990, with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from Rural/R-1 to Industrial/IL on a 1.61 acre parcel located in Beatty. The purpose of the application is to establish a firewood processing/packaging/wholesaling/distribution facility.

This application was considered pursuant to the criteria set out in Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicants, Walter and Terese Seals, were present and presented testimony in behalf of the application. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Members of the Board of County Commissioners who participated in this hearing were: Harry Fredricks, Ted Lindow and Roger Hamilton. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LEGAL DESCRIPTION

Lots 6-16, Block 6, Beatty. T.A. 3612-23BB-3700, 4100 & 4200

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Rural/R-1 to Industrial/IL on a 1.61 parcel located in Beatty. The plan/zone designation of properties to the south is Rural/R-1. The plan/zone designation of properties to the north, west and east is Rural/R-1.

APR 3 1990 PH 3 28

The applicant has submitted a Narrative (Exhibit c.) outlining the characteristics of the property, operation plan, methods of production, description of the packaging process, method of delivery, 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. 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 140 via a user maintained access road. The impact of one truck per week to the normal traffic count is slight. 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-d, and offered testimony show that the approval criteria as set out 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-1 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 Lodge Logs" is a resource 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 one truck will be the added vehicle volume per day. The Board finds this increase will not be significant given the level of improvement existing on Hwy 140.

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 50 X 90 metal building. The conversion of an existing building to a firewood processing/packaging/wholesaling/distribution facility with seven employees 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-1 to Industrial-Light with a Limited Use Overlay per the attached Narrative (Exhibit C).

DATED this 5 day of April, 1990

Chairman of the Board

Harry J. Braden

Commissioner

Ray H. Hunsicker

Commissioner:

[Signature]

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 6th day
of April A.D. 19 90 at 3:28 o'clock P.M., and duly recorded in Vol. M90
of Deeds on Page 6395.

FEE none

Evelyn Biehn County Clerk

By *Debbie Muckendall*

Return: Commissioners Journal

CLUP/ZC 2-90 SEALS