

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 5-90
FOR RAY POTEET

ORDER 90 - 209

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners May 29, 1990, with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from Rural/R-1 to Commercial/CR on 1.5 acres west of Hwy 97, north of the Williamson River.

This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant was present and presented testimony in behalf of the application. Exhibits a-f were admitted into the record of this proceeding. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg. Legal advice was given by Michael Spencer, County Counsel. Members of the Board of County Commissioners who participated in this hearing were: Harry Fredricks and Roger Hamilton. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LEGAL DESCRIPTION

A portion of Section 21 Township 35S, Range 7E W.M.. Lots 7-11 Williamson River Estates.

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Rural/R-1 to Commercial/CR on 1.5 acres located north of the Williamson River and west of Hwy 97. Properties to the south and east are zoned for commercial use. Properties to the west are zoned for rural use. The property to the north is zoned for agricultural use, but is a large rock and gravel quarry pre-existing the local land de-

velopment ordinance.

The applicant submitted supporting documentation which was included in the consideration of this request by the review body.

The supporting documentation included photos as Exhibit "d" which were found to accurately represent the present improvement of the property.

This property does not appear on the inventory maps for "Significant Goal 5 Resources".

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:

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:

The Board finds the change requested; from rural to commercial on 1.5 acres, will not compromise the intent of state/local goals/policies as applied to the proposed change as the impact to each is minimized by the size and intended limited commercial use.

6. ARTICLE 47-CHANGE OF ZONE DESIGNATION:

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;

As the Board has found the proposed plan change consistent with state/local guidelines/policies the request in change to an implementing zone of CR consistent.

- 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, an office/store in conjunction with the Waterwheel Campground, is an allowed/permitted use in the CR zone subject to site plan review as set out in Article 41 of the Code.

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 property is adjacent to an improved road, Williamson River Drive. The Board finds this access adequate to service the use proposed, an office/store accessory to the Waterwheel Campground. Accordingly the Board finds additional traffic above the present level appropriate to the use will not be generated.

D. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties. The conversion of the subject property to a commercial zone is found to be consistent with the existing surrounding land use of the area as set out in applicants testimony.

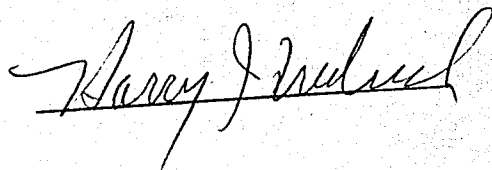
7. CONCLUSIONS AND ORDER

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 5-90 is approved for a Change in the Land Use Plan from Rural to Commercial and a zone change from R-1 to CR.

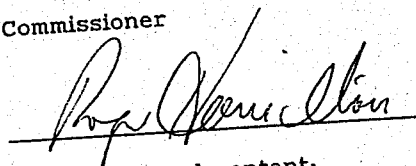
DATED this / day of June, 1990

Chairman of the Board

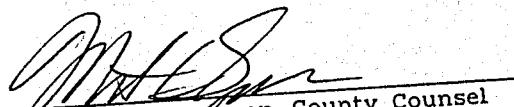


11037

Commissioner



Approved as to form and content:



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 7th day
 of June A.D., 19 90 at 2:29 o'clock PM., and duly recorded in Vol. M90,
 of Deeds on Page 11034.
 Evelyn Biehn County Clerk
 By [Signature]

FEE none

Return: Commissioners Journal