

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

IN THE MATTER OF REQUEST FOR)
COMPREHENSIVE LAND USE PLAN)
AND ZONE CHANGE 3-90 FOR)
GEORGE BROSTERHOUS)

ORDER #91-001

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I. NATURE OF APPLICATION

A hearing was held on this application 4-24-90 and 5-29-90, being a joint hearing before the Planning Commission and Board of Commissioners. The request was for a change of land use from Industrial to Urban Residential and zone change from IL (Light Industrial) to RS (Suburban Residential). This application was reviewed pursuant to Articles 47 and 48 of the Land Development Code.

II. NAMES OF THOSE INVOLVED.

George Brosterhous, applicant was present. Planning Department was represented by Carl Shuck, Planning Director, with Karen Burg, the Recording Secretary. Aquorum of the Planning Commission and Board of Commissioners was present.

III. FINDINGS OF FACT.

1. Site is located at the Southwest corner of Memorial Drive and Southside Bypass and located in portion of section 8, of Township 39, Range 9, tax lots 700, 1000, and 1100.

2. Total acreage of site was 26.5 acres with approximately 11.0 acres to remain for industrial use with remaining 15.5 plus/minus acres for residential use.

3. The contents of the file including Exhibits A-H were incorporated into the record as evidence.

4. The Planning Commission recommended approval of Klamath Co Exhibit H, the amended site plan indicating the 300 foot buffer area back from Memorial Drive. Buffer strip is to remain for industrial use as permitted by zone. This buffer strip consists of approximately 11.0 plus/minus acres. Board of Commissioners approved the recommendation of the amended site plan, known as Exhibit H.

5. Notice was sent to DLCD, with no response from the agency. Planning Department received comments from adjoining property owners about concerns with residential and industrial use in area, with site plan (Klamath Co EX H.) being amended to allow for a buffer strip between industrial and residential uses.

6. Board of Commissioners accepted and approved criteria of section 47.003 and 48.003 as set out in the staff report.

IV RELEVANT CRITERIA

A. The proposed change is in conformance with all relevant policies of the Comprehensive plan.

B. The proposed change was supported by specific studies and factual information by applicant for the change.

C. The proposed change is in conformance with the comprehensive plan and those pertinent provisions of the land development code.

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

E. The property affected by the proposed change is properly related to streets to adequately serve the type of traffic generated by such uses that will be permitted by zoning.

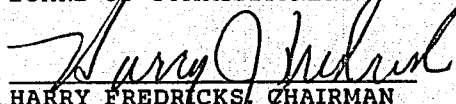
F. The proposed change will have no adverse affect on the development of abutting properties.

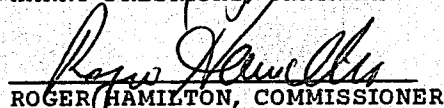
V. ORDER

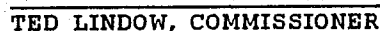
Therefore, the Board of Commissioner grants the recommendation of the Planning Commission and amended site plan (Klamath County EX H.) for a Plan Change from Industrial to Urban Residential and Zone Change from IL (Light Industrial) to RS (Suburban Residential) based upon the findings and factual information provided by applicant, staff, and exhibits which were made part of this record.

DATED THIS 11th Day of July, 1990

BOARD OF COMMISSIONERS

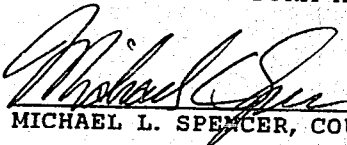

HARRY FREDRICKS, CHAIRMAN


ROGER HAMILTON, COMMISSIONER


TED LINDOW, COMMISSIONER

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APPROVED AS TO FORM AND CONTENT:


MICHAEL L. SPENCER, COUNTY COUNSEL

NOTICE OF APPEAL RIGHTS

You are hereby notified that decision may be appealed to the Land Use Board of Appeals within 21 days following the mailing of this order. Contact Klamath County Planning Department for information as to 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 Co Planning
of July A.D., 19 90 at 4:11 o'clock P M., and duly recorded in Vol. M90
of Deeds on Page 13840
By Evelyn Biehn County Clerk
By Bernetha A. Letsch

FEE None