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

IN THE MATTER OF THE REQUEST FOR)
COMPREHENSIVE LAND USE PLAN AND)
ZONE CHANGE 9-90 FOR CAROLL SPANGLER)
PATRICIA KEITHLEY)

ORDER # 91-006

A joint hearing was held on this application on June 26, 1990, before the Planning Commission and Board of Commissioners. The request was for a change in land use plan from Urban residential to Industrial and zone change from RS (Suburban Residential) to IL (Light Industrial). This application was reviewed pursuant to Article 47 and 48 and Section 52.007, Limited Use Overlay Zone of the Land Development Code.

The hearing was held pursuant to notice given in conformity with the Land Development Code. Applicants representative was present, Marlene Rollins, gave testimony with information and exhibits being received and made part of the record.

Staff report was prepared by Planning staff and was read into the record along with County exhibits, all made part of the record. Planning Department was represented by Carl Shuck, Planning Director and the Recording Secretary, Karen Burg.

Based on the testimony and consideration of the evidence, testimony and exhibits received, the recommendation of approval by the Planning Commission, the Board of Commissioners makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Applicant requested a land use change from Urban Residential to Industrial and a zone change from RS (Suburban Residential) to IL (Light Industrial), on a parcel approximately 21,210 square feet.
2. Site for change in land use and zone is located on North side of Hilyard Ave. and approximately in the middle of the block between Avalon Street and Altamont Drive. More particular located in portion of Section 3 of TS39 R9 tax lot 8400.
3. The site for proposed change is adequately served by streets and those public facilities required within the Urban Growth Boundary. Hilyard Ave appears to be able to carry the kind of traffic that would be generated from proposed use.

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4. Applicant testified about the existing site and what site was presently being used as. Testimony from applicant also indicated that area appeared to be a mixed bag of uses, such as to the east of property were commercial and industrial uses, with residential uses to the east.
5. Use identified was the Budweiser Distributor to the west with The Reddaway Trucking Terminal to the South West. West of Altamont is a lot zoned CN (Neighbor Commercial) with Nelsons TV & Repair on site.
6. Change in land use and zone would not have an adverse impact on abutting properties because of the mixed uses.
7. Per the motion of the Board of Commissioners, the Limited Use Overlay Zone (LU) is to be applied to this site, which limits use to that which was requested per application. Use requested was for a Auto Repair, Welding, antique auto restoration, light fabrication and speciality machining.
8. The Limited Use Overlay Zone shall apply to the property until it is specifically removed via a comprehensive plan and zone change application.

CONCLUSIONS OF LAW

1. The Board of Commissioners concludes from the above findings that the proposed application for land use and zone change is in conformance with the Comprehensive plan and Land Development Code.
2. The proposed site is physically suitable for the type of proposed use as listed within applicants application.
3. The property affected by the proposed change in land use and zone is properly related to streets to adequately serve the traffic generated by such use.
4. The change in land use and zone will have no adverse effect on the appropriate use and development of abutting properties.
5. The proposed change was supported by factual information, which documents the need for the change.

ORDER

Based on the findings and conclusions of law and applying the Limited Use Overlay Zone for CLUP 9-90, application is hereby approved by the Board Of Commissioners.

16728

Dated this 15th Day of August 1990

BOARD OF COUNTY COMMISSIONERS

Harry J. Fredrick
Harry Fredricks, Chairman

Roger Hamilton
Roger Hamilton, Commissioner

Ted Lindow
Ted Lindow, Commissioner

Approved as to form and content:

Michael L. Spencer
Michael L. Spencer

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. 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 20th day
of Aug. A.D., 19 90 at 3:54 o'clock P M., and duly recorded in Vol. M90
of Deeds on Page 16726

FEE none

Evelyn Biehn, County Clerk

By Pauline Muelandore

Return: Commissioners Journal