

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 8-91
FOR AGARD/SEVENIKAR

ORDER

1. NATURE OF THE APPLICATION

A hearing on this request was held by the Board of County Commissioners July 23, 1991 with the Planning Commission in an advisory role.

The applicant requested a CLUP/ZC from Rural/R-5 to Light Industrial/IL on 2.82 acres south of Hwy 66 seven miles west of the Weyco Mill and 3 miles east of Reno.

The purpose of the application was to legally establish a portable sawmill which was being used in the production of log home "kits".

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. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg, Administrative Secretary. Rod Davis, County Counsel was present. Members of the Board of County Commissioners who participated in this hearing were: Harry Fredricks, Ed Kentner and Wes Sine. The County Planning Commission, with a quorum present, participated in an advisory manner. Testimony, both written and oral was received from affected agencies and individuals. Those who participated are listed on an affidavit on file in the Planning Department file concerning this application.

3. LEGAL DESCRIPTION

Portion section 32, T 39S R 8E W.M., T.A. 3908-32A-2700.

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Rural/R-5 to Light Industrial/IL on 2.88 acres between the Weyco Mill and Keno, south of Hwy 66. Zoning designations to the east and west are R-5, The zoning to the south is EFU-CG. The north 200 feet of the subject parcel is zoned CT in recognition of the "Pioneer Tavern", a long established tavern.

The supporting documentation included photos as Exhibit "d" which were found to accurately represent the existing conditions.

This application resulted from Land Use Violation Case 22-91 which alleged a portable sawmill had been brought to the property and loads of logs were being brought to the property for processing.

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 most affected local/state policy/Goal is Goal 9-"Economic Development".

The change in plan designation was found NOT supported by the record, exhibits, and testimony in that the proposed use of the property would not be appropriate, given the size, location, aspect, and surrounding land use. Specifically the Board found the conflict of a small sawmill, as proposed by the applicant adjacent to rural uses would compromise the rural values the neighbors testified to including quiet, clean air, and low truck traffic volume.

The Board also finds the proposed use would not be compatible with established rural uses in the area as documented by testimony from adjacent property owners.

The applicant did not convince the Board through studies or testimony that the site was unique to his use and that the small sawmill could not be located on property already planned/zoned for the 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 NOT consistent with state/local guidelines/policies the request in change to an implementing zone of IL is denied.

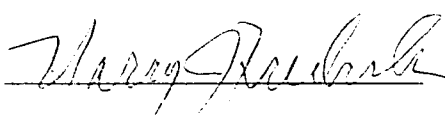
7. CONCLUSIONS AND ORDER

The Board of County Commissioners finds the applicant has NOT 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.

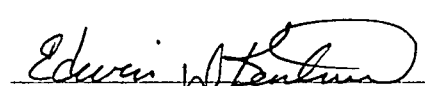
Therefore, it is ordered the request for CLUP/ZC 8-91 is DENIED for a
Change in the Land Use Plan from Rural to Light Industrial and a zone change
from R-5 to IL.

DATED this day of AUGUST, 1991

Chairman of the Board



Commissioner



Commissioner



Approved as to form:



Reginald R. Davis, 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 Aug. A.D. 19 91 at 9:20 o'clock A.M., and duly recorded in Vol. M91
of Deeds on Page 15124.

FEE none

Evelyn Biehn, County Clerk

By Randee Muelendore

Return: Commissioners Journal