

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 ) ORDER  
ZONE CHANGE 11-91 FOR NEWMAN/CREBBIN)

I. NATURE OF APPLICATION

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A hearing was held on this application January 28, 1991, being a joint hearing before the Planning Commission and Board of Commissioners. The request was for a change of land use from Urban Residential to Industrial and a zone change from RL Low Density Residential to IL Light Industrial to develop a one acre parcel for storage and parking of equipment. Application was reviewed pursuant to Article 47 Section 47.030 and Article 48, Section 48.030 of the Land Development Code, Ordinance 45.

II. NAMES OF THOSE INVOLVED.

Newman/Crebbin was the applicant with Mr. Stan Newman being present to testify on the application. Two letters, Klamath County Exhibits F. & G. were read into the record for Mr. Sesa in regards to down-zoning subject site and potential health effects of inhaled diesel vapor. Those who spoke in opposition were Mr. Guy Sesa, Mr. Steve Hutchcraft, and Mr. Harry Campigila. Planning Department was represented by Carl Shuck, Planning Director. Karen Burg was the Recording Secretary. A quorum of the Planning Commission and Board of Commissioners was present.

III. FINDINGS OF FACT

1. The site for which the change in land use and zone is located in, lays in a portion of Section 5 of T39S, R 9EWM, tax lot 7600. The lot for the proposed storage of equipment and parking of equipment is approximately 1 (one) acre.

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

3. The notice was forwarded to the Department of Land Conservation and Development. No response was received from the agency.

4. The Planning Department did receive a letter from Fire District #4 a letter indicating that access should be at least 15 feet for fire fighting purposes.

5. The parcel was zoned RL, Low Density Residential and was undeveloped. To the north and approximately 130' from the subject parcel are lots zoned RL, Low Density Residential. To the south is a Mobile Home Park. Directly to the east is land zoned as IL, Light Industrial.

6. The site plan indicates the site will be developed for the storage and parking of equipment. This will be an additional acre which will allow the applicant to have better use, and to clean up the existing site. The existing storage area was a bottle neck for applicant to work in.

7. The Board of Commissioners accepted and approved criteria of section 47.003 and 48.003 as set out in the Staff report.

8. There is a diversity of uses in the area: Light Industrial use to the east, Neighborhood Commercial zoning to the south, and a Mobile Home Park to the south.

#### IV. CONCLUSIONS

1. The proposed change is in conformance with relevant policies of the counties comprehensive plan, especially those policies that pertain to the site.

2. The proposed change is supported by factual information for this change and was introduced into the record by applicant.

3. The property affected by the proposed change is properly related to streets to adequately serve the type of traffic generated by use that may be permitted.

4. The proposed change on the one acre, will not have an affect on the diversity of surrounding uses abutting site.

#### V. CONDITIONS:

Applicant is to provide the Planning Department with a site plan which is to be reviewed in accordance with Article 41, Site Plan Review. Site plan is to indicate that:

1. There is to be a fence 10, (ten) feet high on north and west side of property. The fence is to be slatted for visual considerations:

2. That the applicant will plant 20 (Twenty) trees, 15-18 feet in height. These trees will be advanced trees from a nursery and are to be planted on the north side and west side for visual considerations. The trees will be planted in such a manner that they will continue to grow. These conditions are to be met and the improvements are to be in place by April 30th, 1992.

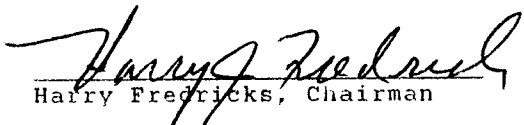
3. The Limited Use Overlay (LU) will be applied to this comprehensive plan/zone change (LU) through Section 59.830, paragraph A. The use of the 1 acre will be limited to parking/storage of equipment only and not any of the other permitted uses within the IL zone. The equipment is to be parked in an orderly fashion so as not to have the appearance of a scrap yard; 4. Drainage to be contained on industrial property so that drainage does not go onto surrounding lots.

# ORDER

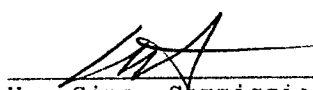
Therefore, the Board of Commissioners grants the recommendation of the Planning Commission and the request for a Plan Change and Zone Change, for property described as being in portion of section of 5 of TS 39S, R 9EWM, tax lot 7600, based upon information provided by applicant, staff and exhibits which were made part of this record.

Dated this 13th day of January, 1992.

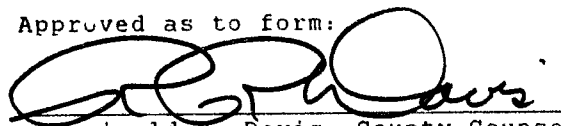
## BOARD OF COUNTY COMMISSIONERS

  
Harry Fredricks, Chairman

  
Ed Kentner, Commissioner

  
Wes Sine, 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 County Planning Department for information. 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 14th day  
of Feb. A.D., 19 92 at 3:34 o'clock P. M., and duly recorded in Vol. M92  
of Deeds on Page 3210

FEE none

Evelyn Biehn - County Clerk

By Douglas Mullender

Return: Commissioners Journal