

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 1-92
FOR CECIL NICHOLSON

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners March 31, 1992 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from Transportation Commercial/CT to Rural/R-1 on 1.0 acres located at the southeast corner of Two Rivers Rd. and Chinquapin Dr., Two Rivers North Subdivision.

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 not present. 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. No opposition in writing or testimony was received.

3. LEGAL DESCRIPTION

Lot 1, Block 12, Two Rivers North, T.A. 2607-1A-6000.

4. RELEVANT FACTS

The applicant requested a CLUP/ZC from Transportation Commercial/CT to Rural/R-1 on 1.0 acres located in the Two Rivers North Subdivision. Zoning designations of land to the north and west is CT. The land adjacent in other directions is planned/zoned for rural use, R-1.

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

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/Goals are Goal 8- "Recreational Needs" and Goal 9- "Economic Development". The Board finds based on Exhibits a-d, staff presentation and applicant testimony the conversion of 1.0 acres to another non resource designation consistent with both Goals. The change in plan designation is supported by the record, exhibits, and testimony in that the use of the property, a mobilehome, would be an appropriate rural use of the site, given the size, location, aspect, and surrounding land 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 R-1 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 applicants, a mobilehome, is a conditionally permitted use in the R-1 zone.

- 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 subject site is in an area already zoned for Rural uses and the change in zone to permit those uses in the R-1 zone on the subject property is found to be of little significance. The property derives access from the Two Rivers North roadnet and neither the Property Owners Association or Public Works Department has responded to this application. 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 Board finds property and surrounding land uses are developed or proposed for Rural use. The conversion of the subject property to another non-resource plan/zone is found to be consistent with the existing surrounding land use of the area as set out in applicants testimony.

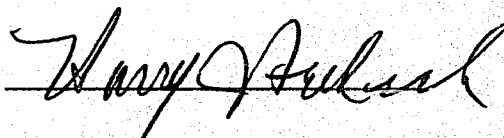
7. CONCLUSIONS AND ORDER

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 1-92 is approved for a Change in the Land Use Plan from Transportation Commercial to Rural and a zone change from CT to R-1.

DATED this 8th day of APRIL, 1992

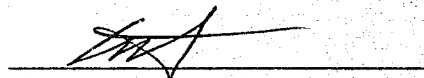
Chairman of the Board



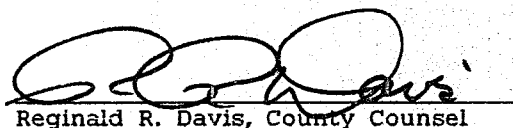
Commissioner



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 10th day of April A.D., 19 92 at 10:18 o'clock A.M., and duly recorded in Vol. M92, of Deeds on Page 7478.

FEE none

Evelyn Biehn County Clerk

By Debbie Mullendore

Ret: Commissioners Journal