

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 4-92
FOR CHARLES McLAUGHLIN

ORDER

1. NATURE OF THE APPLICATION:

A hearing on this application was held before the Board of County Commissioners MAY 26, 1992 with the Planning Commission in an advisory role. This action was continued from April 28, 1992 to allow the applicant to submit a complete property owners notification list and to allow staff to apprise the DLCD of the correct nature of the application. The application before the Board was a change in land use plan (CLUP) from Rural to Commercial and a zone change (ZC) from R-1 to CR on 21 acres within the Klamath Country Estates Subdivision. The purpose of the application was to facilitate development of a community building and to permit RV campsites at a density of 10 per acre over 17 one acre lots. The application was considered pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED:

The applicant was represented at the hearing of April 28, 1992 by Norm Peters. The applicants representative did not appear at the May 26 hearing, however, a request to continue consideration was received May 22. The Planning Department was represented by Kim Lundahl, Senior Planner. The recording secretary was Karen Burg. 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. Substantial opposition testimony was received from affected property owners.

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3. LEGAL DESCRIPTION:

Lots 1-3 Blk 1, Lots 1-4, 7, & 8 Blk 6, Lots 2-8 Blk 5 Klamath Country Estates Subdivision west of the Sprague River Highway, 5 miles north of Sprague River.

4. RELEVANT FACTS:

The applicant requested a CLUP/ZC from Rural/R-1 to Commercial/CR on 21 acres north of Sprague River. The surrounding plan/zone designation to the project is Rural.

Testimony was received indicating the proposed project may be a detriment to the rural nature of the area and impact fire services, water table, roads, security and wildlife.

5. EXCEPTIONS STATEMENT:

The DLCD, in their letter dated May 8, 1992, determined the application required an exception be taken to Goals 11 and 14. The DLCD also stated "we do not believe that the level of development proposed can be justified and request the application be denied."

6. 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 supported by specific studies or factual information which documents the public need for change.

B. the proposed change is in compliance with the Statewide Planning Goals,

and C. the proposed change is in conformance with all policies of the Klamath County Comprehensive Plan:

The Board is unable to approve as this application as the application cannot be found in compliance with the Statewide Planning Goals (DLCD letter of May 8, 1992). The Board cannot find conformance with all policies of the acknowledged Klamath County Comprehensive Plan.

Testimony was also received indicating the proposed project may be a detriment to the rural nature of the area and impact the water table, roads, security and wildlife.

7. ARTICLE 47-CHANGE OF ZONE DESIGNATION:

Among other requirements, 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 an "Exceptions Statement" was not submitted/approved the request for a change in zone cannot be found in conformance.

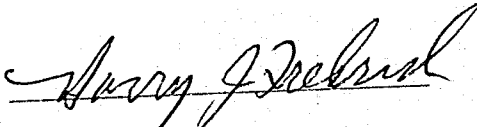
8. CONCLUSIONS AND ORDER:


Based on the evidence (Exhibits A-F) and testimony, the Board of County Commissioners finds the applicant has NOT satisfied the pertinent review criteria as set out in OAR 660-04-018(2)(d) and Articles 47 and 48 of the Code. The Board received opposition testimony that correct notice was not given and that the applicants Exhibit "b" did not correctly reflect the project area. There was no evidence in the applicants submittal to controvert the opposition testimony.

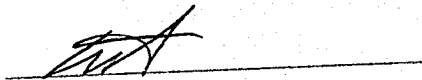
Therefore, it is ordered the request of Charles McLaughlin for continuance is DENIED as is the request for a change in plan designation from RURAL to COMMERCIAL and request for a change in zone designation from R-1 to CR.

DATED this 10th day of JUNE, 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 12th day
of June A.D., 19 92 at 11:01 o'clock A M., and duly recorded in Vol. M92
of Deeds on Page 12810
By Evelyn Biehn County Clerk
Shirley M. Mulendore

FEE none

Return: Commissioners Journal