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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 12-92
FOR KELLEY

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners DECEMBER 22, 1992 with the Planning Commission in an advisory role. The applicant is requesting a CLUP/ZC from RECREATION COMMERCIAL/CR to RURAL/R-1 on 1.0 acres located south of Hwy 140, on the west side of Bly Mtn.. The applicant intends to convert/improve an existing motel building (Hidden Pines Motel) to rural residential use. This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant appeared 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.

3. LOCATION

The site considered in this application is 1.0 acres described as Lot 29, Blk 29, Klamath Falls Forest Estates. T.A. 3811-005A0-00600.

4. RELEVANT FACTS

The applicant has requested a CLUP/ZC from RECREATION COMMERCIAL/CR to RURAL/R-1 on 1.0 acres located on Bly Mtn.. The Zoning designations of land adjacent is R-1. The supporting documentation included photos as Exhibit "d" which accurately represented the existing conditions.

5. ARTICLE 48-CHANGE OF LAND USE PLAN: Conclusions and Findings;

Applications for changes to land use plan (CLUP) and zone changes (ZC) are reviewed pursuant to Articles 47 and 48 of the Code.

A proposed Change of Comprehensive Plan Designation shall be approved if the reviewing authority finds that the application meets all applicable review criteria set out in Section 48.030 of the Code as follows:

1. The proposed change is supported by specific studies or other factual information which documents the public need for the change;

The applicants gave testimony concerning their desire to improve/convert the existing improvements from commercial to rural use, which in fact, has been the use of the property since 1986.

The Board finds the applicants testimony and corroboration by the Staff and the Planning Commission compelling.

2. & 3. The proposed change complies with policies of the Comprehensive Plan and the Oregon Statewide Planning Goals and Administrative Rules;

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 a non commercial zoning designation will not impact the public need for recreational uses or economic development as the commercially zoned property controlled by the applicants has been used for rural use since 1986. Rural use of the property is appropriate, given the size, location, aspect, necessity, and surrounding land use.

The Board finds the above criteria, 1-3, are satisfied as set out.

6. ARTICLE 47-CHANGE OF ZONE DESIGNATION: Conclusions and Findings;

A proposed change of zone shall be approved if the review authority finds that the application meets all review criteria set out in Section 47.030 of the Code:

1. The proposed change of zone designation is in conformance with the Comprehensive Plan and does not afford special privileges to an individual property owner not available to the general public or outside the overall public interest for the change;

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 is consistent. The Board finds the property owners of Klamath County may avail themselves of this application process upon initiation of the required process. The applicant has demonstrated that public need to retain the commercial plan/zone designation in this area is unwarranted through testimony and corroboration of the Staff and Planning Commission.

2. 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, rural residential, is a permitted use in the R-1 zone.

3. 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 adjacent area is already zoned for Rural uses and the change in zone intensity to permit the same uses on the subject property is found to be of little significance. The property derives indirect access from Hwy 140 and neither the Oregon Department of Transportation or Klamath County Public Works Dept. has responded in the negative.

4. The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties.

The conversion of the subject property to Rural plan/zone is found to be consistent with the existing/surrounding land use of the area as set out in applicants testimony and corroborated by the Staff and Planning Commission.

The Board finds the above criteria 1-4, are satisfied as set out.

7. ORDER

The Board of County Commissioners finds based on testimony received, and exhibits a.-e., 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 12-92 is approved for a Change in the Land Use Plan from RECREATION COMMERCIAL to RURAL and Zone Change from CR to R-1.

DATED this 6th day of ~~DECEMBER~~, 1992 ^{January 1993}

Chairman of the Board

Commissioner

Edwin H. Kent

Commissioner

MA

Approved as to form:

Reginald R. Davis
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.

CLUP/ZC 12-92 KELLEY

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 7th day
of Jan. A.D., 19 93 at 2:13 o'clock P M., and duly recorded in Vol. M93
of Deeds on Page 574.

By Evelyn Biehn County Clerk
Evelyn Biehn

FEE none

Return: Commissioners Journal