

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 1-93
FOR STAHL

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners APRIL 27, 1993 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from NON RESOURCE/NR to RURAL/R-5 on on 31.2 acres located south and east of the intersection of Hill and Reeder Rds., Henley area. The applicants stated intent is to partition the property into parcels of 9.5, 10.0, and 11.75 acres each.

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. Members of the Board of County Commissioners who participated in this hearing were: Ed Kentner, Wes Sine and F. Jean Elzner. The County Planning Commission, with a quorum present, participated in an advisory manner.

3. LOCATION

The site considered in this application is 31.2 acres in the NW 1/4 NW 1/4 Section 32, T 39S R 10E. T.A. 3910-32-1200 & 1300.

4. RELEVANT FACTS

The applicant has requested a CLUP/ZC from NON RESOURCE/NR to RURAL/R-5 on 31.2 acres. Zoning designation of land to the north and

west is EFU-C. The properties adjacent to the south and east are zoned NR. Approximately 1/4 mile to the east is property zoned R-1 (CLUP/ZC 3-84).

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 applicant gave testimony concerning the need for additional rural residential lots in the Henley vicinity. Properties in the area are already existing below the 9.5 acre size proposed by the applicant. 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 is Goal 10- "HOUSING." The Board finds based on Exhibits a-f, staff presentation and applicant testimony the conversion of 31.2 acres to a rural residential designation consistent and supportive. The Board finds the change in plan designation is supported by the record, exhibits, and testimony in that the use of the property would be an appropriate use of the site, given the size, location, aspect, necessity, surrounding land use and

parcelization. The Board finds the above criteria, 1 & 2, 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-5 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 a public need for the proposed project, an increase of residential density from one home to three homes per 31.2 acres.

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, two additional rural residences, is a permitted use in the R-5 (subject to partitioning) and subject to Site Plan approval.

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 subject site is already zoned for one rural residence and the change in intensity to allow a potential of three is found to be of little significance. The property derives access from Hill Rd.. The Klamath County Public Works Dept. has NOT responded to this application.

The Board finds additional traffic above the present level appropriate to the use will not be generated.

4. 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 commercial use. Specifically, exhibit "b" depicts already parcelized properties in all compass directions have been created at parcel sizes less than that proposed in this application. The conversion of the subject property to another more intense 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.

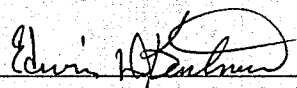
7. ORDER

The Board of County Commissioners finds based on testimony received, and exhibits a.-f., 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 state-wide planning program has been met.

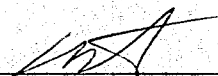
Therefore, it is ordered the request for CLUP/ZC 1-93 is APPROVED for a Change in the Land Use Plan from NON RESOURCE to RURAL and a zone change from NR to R-5 and based upon development conformance with Exhibit "B" on file in the Planning Department which depicts the division of the 31 acres into three parcels only.

DATED this ^{APRIL} 30 day of ~~MAY~~, 1993

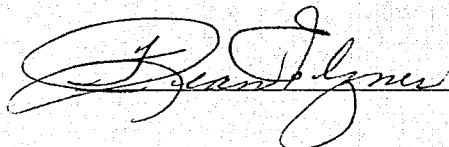
Chairman of the Board



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.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 3rd day of May A.D., 19 93 at 2:25 o'clock P M., and duly recorded in Vol. M93, of Deeds on Page 9664.

FEE none

Evelyn Biehn - County Clerk

By 

Return: Commissioners Journal