

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 2-93  
FOR SAY

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners MAY 25, 1993 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from URBAN RESIDENTIAL/RM to INDUSTRIAL/IL on 1.5 acres located east of Hwy 97 at the north end of the Chiloquin Airport. The applicant intends to develop a 1.5 acre fleet storage yard for use in conjunction with his towing business.

This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicants 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: F. Jean Elzner 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 1.5 acres described as Lot 6, Blk 4 Winema Peninsula, T.A. 3407-33A-300.

4. RELEVANT FACTS

The applicant has requested a CLUP/ZC from URBAN RESIDENTIAL/RM to INDUSTRIAL/IL on 1.5 acres located north and west of Chiloquin. Desig-

nation of land to the north in R-1, Lands to the south are zoned IH. Properties to the east are zoned RM. The property in question is located within the Chiloquin UGB and the Airport Approach Safety Zone. 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 the need for a fleet storage yard in the Chiloquin area indicating a lack of such facilities on the Hwy 97 corridor and within the Chiloquin City Limits. 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/Goal is Goal 9- "Economic Development." The Board finds based on Exhibits a-d, staff presentation and applicant testimony the conversion of 1.5 acres to an industrial designation consistent and supportive of both Goals. 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, 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 IL 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, a fleet storage yard, in this area 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, fleet storage, is a permitted use in the IL zone 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 adjacent to industrially zoned property and the change in zone intensity to permit uses in the Light Industrial zone is found to be of little significance. The property derives indirect access from Hwy 97 and neither the Oregon Department of Transportation or Klamath County Public Works Dept. has responded to this application.

The Board finds additional traffic above the present level appropriate to the use will not be generated on Hwy 97 or Annie Ct..

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 industrial use as it is within an airport safety approach zone where human occupancy/presence should be limited. The conversion of the subject property to an industrial 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

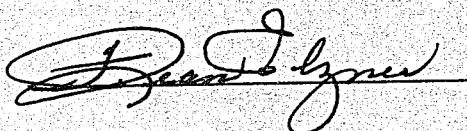
The Board of County Commissioners finds based on testimony received, and exhibits a-d, the applicant has satisfied the pertinent review criteria as set out in Oregon Administrative Rules and Articles 47 and 48 of the Code. Correct notice was given and the intent of the statewide planning program has been met.

Therefore, it is ordered the request for CLUP/ZC 2-93 is approved for a Change in the Land Use Plan from URBAN RESIDENTIAL to INDUSTRIAL and a zone change from RM to IL and conditioned on the following:

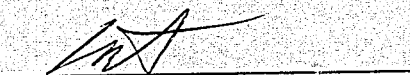
1. No more than 15 vehicles may be kept within the storage area indicated on the applicants site plan.

DATED this 8 day of JUNE, 1993

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 \_\_\_\_\_ the 9th day  
of June A.D., 19 93 at 9:35 o'clock A.M., and duly recorded in Vol. M93  
of \_\_\_\_\_ Deeds on Page 13272

FEE none

Evelyn Biehn County Clerk  
By Pauline Muelendore

Return: Commissioners Journal