

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 6-93  
FOR DAVID BETTENCOURT

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of Commissioners June 22, 1993 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from HEAVY INDUSTRIAL IH to GENERAL COMMERCIAL CG on .52 acres located at the northeast corner of Washburn Way and Edison St. The applicant intends to develop the site for sales of furniture and general home furnishings.

This application was reviewed pursuant to Article 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 Carl Shuck, Planning Director. The recording secretary was Karen Burg, Administrative Secretary. Members of the Board of County Commissioners were 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 .52 acres located in a portion of Section 10 of Township 39, Range 9.

T.A. 3909-10BC-1100

#### 4. RELEVANT FACTS

1. The applicant has requested a CLUP/ZC from Heavy Industrial IH to General Commercial/CG on .52 acres located north east corner of Washburn Way and Edison.
2. Zoning designation of land to the west is General Commercial.
3. Approximately 300 feet to the north of the proposed site, the zoning is General Commercial. The land to the east and south of the property is Heavy Industrial/IH.

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

The applicant's testimony documented public need for the proposed change. The applicant stated that the retail sales would be a benefit for his furniture business and operation. The Board of Commissioners finds based on Exhibits a-d, staff presentation, and applicant testimony the conversion to a commercial designation is consistent and supportive with Goal 9 "Economic Development."

The Board of Commissioners 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 commercial use of the site, given the size, location and surrounding land use.

#### 6. Article 47-CHANGE OF ZONE DESIGNATION:Conclusions/Findings

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 change.

The Board of Commissioners finds that 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, because the lot is .52 acs.

The use proposed by the applicant, retail furniture sales, is a permitted use by the Klamath County Land Development Code.

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 because the site abuts Edison Street for access.

The proposed change of zone will have no adverse effect on the development of abutting properties because the use is similar to uses in the area such as Wal-Mart.

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

The Board finds that there was no testimony in opposition.

#### CONCLUSION

The Board of Klamath County Commissioners concludes that testimony received and exhibits a-d, the applicants proposed change in plan designation and zone change has satisfied the pertinent review criteria of Article 47, Section 47.030 and Article 48, Section 48.030 of the Land Development Code.

ORDER

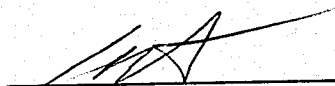
Therefore, it is ordered the request for CLUP/ZC 6-93 is approved for a change in Land Use Plan from INDUSTRIAL to GENERAL COMMERCIAL and a Zone Change from IH to CG.

DATED this 14<sup>th</sup> day of July 1993

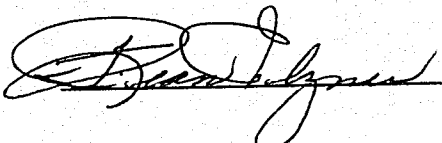
Chairman of the Board

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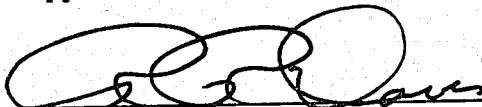
Commissioner



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. 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 19th day of July A.D., 19 93 at 3:58 o'clock P.M., and duly recorded in Vol. M93 of Deeds on Page 17484.

Evelyn Biehn County Clerk

By Doreen M. Mullen

FEE \$none

Return: Commissioners Journal