

10-27-93 03:02 RCVD

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGONIN THE MATTER OF CLUP/ZC 7-93  
FOR Max Neff/David Pond

## ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of Commissioners September 28, 1993 with the Planning Commission in an advisory role.

The applicant is requesting a CLUP/ZC from Low Density Residential RL to Light Industrial IL on a parcel 12,000 sq feet located west of Madison Street and 220 feet north of Independence Street.

The applicant intends to develop the site for a mini warehouse complex. Applicant will have 20 units and each unit 6x12 in size.

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 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 12,000 sq feet located in a portion of Section 11 of Township 39, Range 9.

T.A. 3909-11AA-400

### 4. RELEVANT FACTS

1. The applicant has requested a CLUP/ZC from Low Density Residential to Light Industrial on 12,000 square feet located west side of Madison and 220 feet north of Independence St.
2. The zoning designation of land in the surrounding area is residential, RS (Suburban Residential).
3. The required lot size in the RS zone is 10,000 square feet.
4. Approximately 165 feet to the north of the proposed site, is Ferguson Grade School.
5. ARTICLE 48-CHANGE OF LAND USE PLAN:Conclusions and Findings.

The applicant's testimony did not document public need for the proposed change. The applicants proposal was for a mini warehouse complex which use was not compatible with zoning in the immediate area.

The Board of Commissioners finds that the applicants proposal was not supported by specific studies and factual information in order to create a spot land use designation to Industrial for a mini warehouse complex.

The Board of Commissioners finds the change in plan designation is not supported by the record, exhibits, and testimony, given the size, location and surrounding area.



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

The proposed change of zone designation is not 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 not adequate in size and shape to facilitate the mini warehouse complex. Applicant had to apply for a variance to meet the industrial zone setbacks abutting the residential zone.

The property affected by the proposed change of zone did not properly relate to streets to adequately serve the type of traffic generated by such uses because the site abuts residential uses. Access in the area is for residences and this use would create a spot zone in a residential area. The proposed change of zone will have an adverse effect on the development of abutting properties because the use is industrial with other uses in the area being residential. The Board finds that there was testimony in opposition.

CONCLUSION

The Board of Klamath County Commissioners concludes that testimony received and exhibits a-g, the applicants proposed change in plan designation and zone change has not satisfied the pertinent review criteria of Article 47, Section 47.030 and Article 48, Section 48.030 of the Land Development Code.

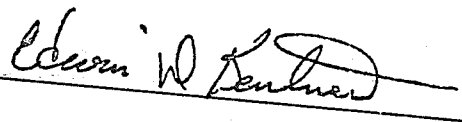
28298

ORDER

Therefore, it is ordered the request for CLUP/ZC 6-93 is denied for a change in Land Use Plan from Urban Residential to Industrial and a Zone Change from RL Low Density Residential to IL Light Industrial.

DATED this 27th day of October 1993


Chairman of the Board



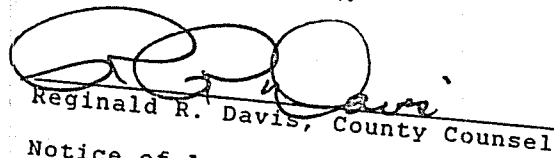
Commissioner



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. 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  
of Oct. A.D. 19 93 at 3:02 o'clock P.M., and duly recorded in Vol. M93  
on Page 28295  
Deeds

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By 