

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 8-93  
FOR Les Schwab Tire Center

ORDER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of Commissioners November 23, 1993 with the Planning Commission in an advisory role.

The applicant requested a CLUP/ZC from URBAN RESIDENTIAL RS to GENERAL COMMERCIAL CG on .38 acres located 150 feet west of Madison Street and north of Miller Ave. The applicant intends to develop the site for parking for the Les Schwab Tire Center.

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 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 .38 acres located in a portion of Section 2 of Township 39, Range 9, Map 3909-2AD-7200 and 7300.

#### 4. RELEVANT FACTS

1. The applicant has requested a CLUP/ZC from URBAN RESIDENTIAL RS to General Commercial/CG on .38 acres located 150 feet west of Madison Street and north side of Miller Ave.
2. Zoning designation of land to the west, south and east is General Commercial.
3. Zoning designation to the north of the proposed site is Suburban Residential.

#### 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 Klamath County Public Works would be improving Madison Street and was scheduled for improvements in 1994. The improvements to Madison Street would take away a portion of the Les Schwab Tire Center parking area.

The applicant stated that access to the proposed parking area would be off of Miller Avenue.

Applicants presentation, and testimony on 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

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;

The Board of Commissioners has found the proposed change consistent with state/local guidelines/policies and the request change to an implementing zone CG, 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 parking area for the Les Schwab Tire Center, through testimony and corroboration of the Staff and the Planning Commission.

2. The property affected by the change of zone is adequate in size and shape to facilitate the proposed use that is normally allowed in conjunction with the zoning. The proposed use is a permitted use in the CG zone and subject to Site Plan approval.

3. The property affected by the 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 commercially zoned property and the change in zone is found to be of little significance.

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

The Board finds the property and surrounding land uses are developed and 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.

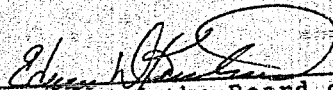
corroborated by the Staff and Planning Commission.

9. ORDER:

The Board of Commissioners finds based on testimony received, and exhibits a-c, the applicants has satisfied the pertinent criteria as set in the 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/ZC8-93 is approved for a change in the Land Use Plan from URBAN RESIDENTIAL to GENERAL COMMERCIAL and a Zone Change from RS to CG.

DATED this 13<sup>th</sup> day of JANUARY 1994

  
Chairman of the Board of Commissioners

  
Commissioner Wes Sine

  
Commissioner F. Jean Elzner

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 if you are to 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 18<sup>th</sup> day  
of JAN. A.D., 19 94 at 10:59 o'clock A M., and duly recorded in Vol. 894  
of \_\_\_\_\_ Deeds on Page 1739

Evelyn Biehn  
By Douglas Mulens County Clerk

FEE No Fee