

81512

BEFORE THE BOARD OF COMMISSIONERS
OF KLAMATH COUNTY, OREGON

IN the Matter of CLUP/ZC)
5-94 for Edward Medina,)
Applicant)
_____)

Application: The applicant requested a Comprehensive Land Use Plan and Zone Change from Urban Residential/RH (High Density Residential) to Industrial/IL (Light Industrial) on 2.4 acres.

Attendees, Time, and Place: The applicant was Edward A. Medina. The Planning Department was represented by Carl Shuck. Karen Burg was the recording secretary. The hearing was held before the Board of Commissioners on April 26, 1994. The review of this application was held in the Hearing Room of the Courthouse Annex.

Relevant Facts: The subject property is situated in a portion of Section 10, Township 39 S., Range 9 E.W.M. of Klamath County, Oregon. The subject property consists of 2.4 acres. The minimum lot size for the proposed Light Industrial zone is 5,000 square feet. The property has access onto Onyx Street. Onyx Street can adequately serve the type of traffic that will be generated from the proposed use of a storage building. The storage unit is a 90x33, 22 gauge steel building.

**Article 48-Change of Comprehensive Plan Designation.
Findings of Fact.**

Klamath County Land Development Code Section 48.030, (B) sets forth the review criteria for approving a comprehensive land use plan change. The high density designation was never utilized from the time the site was planned to provide for higher densities.

The property relates to the industrial plan designation because the properties to the west, northwest and southwest are planned for industrial use. Submitted as Exhibit C was a map indicating the land use plan designations of the surrounding area. The site has water and septic services and is served by Klamath County Fire District 1. The site has power, telephone and other utilities.

**Article 47-Change of Zone Designation.
Findings of Fact.**

Klamath County Land Development Code Section 47.030 (B) sets forth the zone change criteria. The property affected by the change of zone from RH(High Density Residential) to IL(Light Industrial) is adequate in size and shape to facilitate the use. The site is 2.4 acres and the IL zone requires 5,000 square feet minimum lot size.

The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such use that may be permitted by zone. The County roads which serve the subject property have the capacity to carry the increased traffic. The increase of traffic on Onyx Street will be minimal because the applicant testified that the maintained portion of Onyx Street ended at his property.

The proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties. The subject property lies in an area where the area is committed to industrial zoning. The zoning of abutting properties is IL to the northwest, west and southwest.

The zoning to the northeast is CN (Neighborhood Commercial).
The zoning to the north and south is RS (Suburban Residential),
however, no development exists on these lots.

**Articles 48 and 47-Change of Comprehensive Plan Designation
and Change of Zone Designation.
Conclusions of Law.**

The Board of Commissioners finds the proposed change is supported by factual information which documents the need for the plan change to Industrial. The proposed change complies with the policies of the Comprehensive Plan. Because the property has never been used as RH(High Density Residential) and the surrounding property is zoned IL(Light Industrial) the proposal will meet Goal 11, Public Facilities and Services. The intent of the statewide planning goals have been met. Proper notice of the application and hearing was given.

The Board of Commissioners finds the proposed change of zone is in conformance with the Comprehensive Plan. The property affected by the change of zone is adequate in size and shape to facilitate the proposed change of zone. The property affected by the change of zone is properly related to streets and to other public facilities to adequately serve the use. The proposed change of zone will have no significant adverse effect on the appropriate use and development of adjacent properties. The proposed change is supported by factual information which documents the need for change.

/

/

/

/

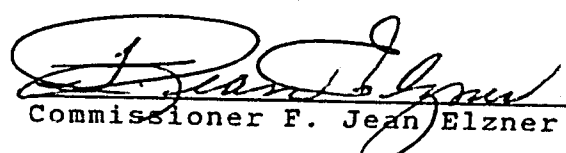
/

ORDER:

THEREFORE, it is hereby ORDERED that the change of Comprehensive Land Use Plan Designation and Zoning of the subject property from Urban Residential/RH(High Density Residential) to Industrial/IL(Light Industrial) is approved.

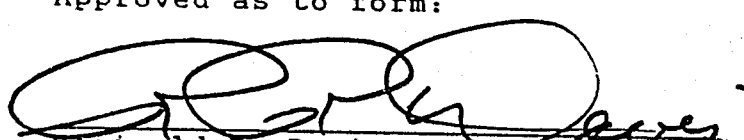
DATED THIS 19th day of May, 1994


Chairman of the Board of Commissioner


Commissioner F. Jean Elzner


Commissioner Ed Kentner

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 24th day
of may A.D., 19 94 at 10:42 o'clock A M., and duly recorded in Vol. M94,
of _____ Deeds _____ on Page 16354.

FEE none

Return: Commissioners Journal

Evelyn Biehn - County Clerk

By 