

BEFORE THE BOARD OF COMMISSIONERS
OF KLAMATH COUNTY, OREGON

In the Matter of CLUP/ZC)
9-94 for Dan Kinsman,)
Applicant)



Application: The applicant requested a Comprehensive Land Use Plan and Zone Change from Industrial/IH (Heavy Industrial) to General Commercial/CG (General Commercial) on 17.6 acres.

Attendees, Time, and Place: The applicant was Dan Kinsman. The Planning Department was represented by Carl Shuck. Karen Burg was the recording secretary. The hearing was held before the Board of Commissioners on May 31, 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 17.6 acres. The minimum lot size for the proposed General Commercial zone is 5,000 square feet. The property has access onto Laverne Avenue. Laverne Avenue can adequately serve the type of traffic that will be generated from the proposed commercial uses. The commercial use will be for retail sales.

**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 industrial designation was never utilized from the time the site was planned to provide for industrial uses.

The property relates to the commercial plan designation because the properties to the northwest are planned for commercial 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 IH(Heavy Industrial) to CG(General Commercial) is adequate in size and shape to facilitate the use. The site is 17.6 acres and the CG 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 Washburn Way will be controlled because the applicant testified that the streets within the subdivision will access onto Laverne Avenue only and not onto Washburn Way.

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 commercial zoning. The zoning of abutting properties is CG to the northwest. The zoning to the east is RM and developed for a mobile home park.

The zoning to the north is IH (Heavy Industrial) and developed for storage.

**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 commercial. The proposed change complies with the policies of the Comprehensive Plan. Because the property has never been used as IH(Heavy Industrial) and the surrounding property is zoned CG(General Commercial) and RM(Medium Density Residential) 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.

/

/

/

/

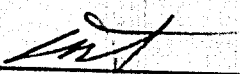
/

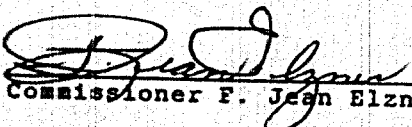
ORDER:

18285

THEREFORE, it is hereby ORDERED that the change of Comprehensive Land Use Plan Designation and Zoning of the subject property from Industrial/IH(Heavy Industrial) to General Commercial/CG(General Commercial) is approved.

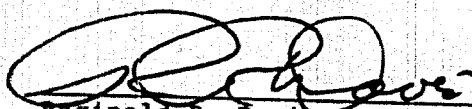
DATED THIS 8th day of June, 1994


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 10th day
of June A.D. 19 94 at 1:48 o'clock P M., and duly recorded in Vol. M94
of Deeds on Page 18282.

FEE none

Return: Commissioners Journal

Evelyn Biehn County Clerk

By 