

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 4-95  
FOR ROD PFEIFFER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners October 17, 1995.

The applicant is requesting a CLUP/ZC from INDUSTRIAL/IL to URBAN RESIDENTIAL/RM on 3.89 acres, for Lots 11, 12, and 13 of Tract 1265 and a CLUP/ZC from INDUSTRIAL/IL to TRANSPORTATION COMMERCIAL/CT on 2.18 acres for Lots 1 and 2 of Tract 1265.

The location of Tract 1265 is on the north side of Greensprings Drive and where Mallard Land intersects with Greensprings Drive. The residential lots will be developed for duplex use and the commercial lots will be developed for food and beverage services.

This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

The applicant involved was Rod Pfeiffer. The Planning Department was represented by Carl Shuck, Planning Director. The recording person was Karen Burg, Planning Assistant. Members of the Board of Commissioners who participated in this hearing were: F. Jean Blzner and Clif McMillan. The County Planning Commission, with a quorum present, participated in an advisory manner. No one appeared in person or in writing opposing this application.

3. LOCATION

The site considered in this application is a total of 6.07 acres and is located in a portion of Section 5, T.39S. R.9E. T.A. 3909-05D0-200.

#### 4. RELEVANT FACTS

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The applicant has requested a CLUP/ZC from Industrial/IL to Urban Residential/RM on 3.89 acres and a CLUP/ZC from INDUSTRIAL/IL to Transportation Commercial/CT on 2.18 acres, located north side of Greensprings Drive and north of Mallard Lane. The property was planned/zoned for Industrial use.

5. ARTICLE 48-CHANGE OF LAND USE PLAN: Conclusions and Findings; Applications for changes to land use plan (CLUP) and zone changes (ZC) are reviewed pursuant to Article 47 and 48 of the Code.

A proposed Change of Comprehensive Plan Designation shall be approved if the reviewing authority finds that the application meets all applicable review criteria set out in Section 48.030 of the Code as follows:

1. The proposed change is supported by specific studies or other factual information which documents the public need for the change; The applicant offered testimony concerning the need for the duplex and the restaurant. The Board of Commissioners finds the applicants testimony and corroboration by the Staff and the Planning Commission compelling.
2. The proposed change complies with policies of the Comprehensive Plan and Oregon State wide Planning Goals and Administrative Rules; The application before the Board is a parcel of land to be subdivided for commercial and residential use and the Board finds the change requested to be beneficial and in compliance. The Board finds the change in plan designation is supported by the record, exhibits, and testimony in that the use of the property for commercial and residential use would be an appropriate use of the site, given the size, location, aspect, necessity and surrounding land use. The Board finds the above criteria are satisfied as set out.

6. ARTICLE 47-CHANGE OF ZONE DESIGNATION: Conclusions and Findings;  
A proposed change of zone shall be approved if the review authority finds that the application meets all review criteria set out in Section 47.030 of the Code:

1. A 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;

As the Board has found the proposed plan change consistent with state/local guidelines/policies the request in change to an implementing zone of Transportation Commercial (CT) and Medium Density Residential (RM) 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 restaurant and duplex development, through written testimony and corroboration of the Staff and Planning Commission.

2. 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. The use proposed by the applicant, a restaurant, and duplex is consistent with the proposed zoning designation, CT and RM.

3. 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 therein. The subject site is adjacent to paved and maintained county road, Greensprings Drive.

Klamath County Public Works Department did not respond to this application.



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Therefore, it is ordered the request for CLUP/ZC 4-95 is approved for a change in the Land Use Plan Change from INDUSTRIAL to TRANSPORTATION COMMERCIAL AND URBAN RESIDENTIAL and a Zone Change from IL to CT and RM.

DATED this 30<sup>th</sup> day of Oct 1995.

E. H. McMillan, III Chair

F. Jean Elzner, 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. Contact the Klamath County Planning Department for information as how to file this 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 Klamath County  
of November A.D., 19 95 at 10:48 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 30010

FEE No Fee

By Bernetha G. Letsch, County Clerk  
Annette Mueller