

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 1-96  
FOR HARRY AND CAROL MAUCH

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners on April 23, 1996. The applicants' request is for a Comprehensive Land Use Plan (CLUP)/Zone Change (ZC) from URBAN RESIDENTIAL/RS to GENERAL COMMERCIAL/CG on a 0.9 acre parcel to allow an RV repair facility to be developed. This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

Harry Mauch appeared in behalf of his application. The Planning Department was represented by Carl Shuck, Planning Director. Members of the Board of Commissioners who participated in this hearing were: F. Jean Elzner and Clifton H. McMillan, III. The County Planning Commission, with a quorum present, participated in an advisory manner. One person, Kevin Voll, appeared in opposition to the application.

3. LOCATION

The site considered in this application is a 0.9 acre parcel generally located on the south side of Miller Avenue, approximately 450 feet east of Wiard Street, being a portion of Section 2, T.39S, R.9EWM in Pleasant Home Tracts #2 Lots 95 and 96; Tax Acct. 3909-2AC-6100 and 6200.

4. RELEVANT FACTS

The applicants have requested a CLUP/ZC from URBAN RESIDENTIAL/RS to GENERAL COMMERCIAL/CG on a 0.9 acre parcel. The property was planned/zoned Urban Residential/RS and is bordered on the south and east by commercial zoning/uses.

5. ARTICLE 48-CHANGE OF LAND USE PLAN:

Conclusions and Findings - Applications for changes to the 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 RV repair facility. 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 Board finds the change in plan designation is supported by the record, exhibits, and testimony in that the use of the property as an RV repair facility 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 General Commercial (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.

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 is consistent with the proposed zoning designation, CG.

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, Miller Avenue. The Klamath County Public Works Department did not respond to this application. The Board finds the use will not generate additional traffic above the present level of traffic on Miler Avenue.

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

The Board finds property and surrounding uses similar in use and are developed for commercial use. The zoning to the south and east is already commercial. The conversion of the subject property to a commercial zone is found 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.

The Board finds the above criteria are satisfied as set out.


## 7. ORDER

The Board of Commissioners finds based on testimony received, and exhibits a-d, the applicants have satisfied the pertinent review criteria as set out in Oregon Administrative Rules and Articles 47 and 48 of the Code. Correct notice was given and intent of the statewide planning program has been met.

The Board notes the Department of Land Conservation and Development did not respond to this application.

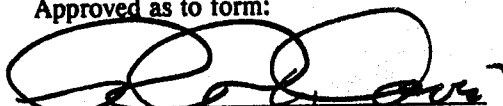
Therefore, it is ordered the request for CLUP/ZC 1-96 is approved for a change in the Land Use Plan Change from **URBAN RESIDENTIAL** to **GENERAL COMMERCIAL** and a Zone Change from RS to CG.

DATED this 5<sup>th</sup> day of April, 1996.

  
Clifton H. McMillan, III, Commissioner

  
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 Planning the 16th day  
of April A.D., 19 96 at 2:26 o'clock P.M., and duly recorded in Vol. M96  
of Deeds on Page 10563.

Bernetha G. Letsch, County Clerk

FEE No Fee Return: Commissioners Journal

By

C. G. Letsch