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BEFORE THE BOARD OF COMMISSIONERS
OF KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 4-96
FOR STONECREST HOMES

ORDER

1. NATURE OF THE APPLICATION: The applicant is requesting a Comprehensive Land Use Plan and Zone Change (CLUP/ZC) from RURAL/R-1 to COMMERCIAL/CG on 1.41 acres located south of Airway Dr., west of Hwy 39, 7246 Airway Dr..

2. NAMES OF THOSE INVOLVED: A Hearing on this application was conducted JUNE 25, 1996. The applicant, Stonecrest Homes, was NOT represented at this hearing. The Planning Department was represented by Kim Lundahl. Members of the Board of County Commissioners who participated in this Hearing were: Dave Henzel and F. Jean Elzner. The County Planning Commission, with a quorum present, participated in an advisory manner. A Notarized list of those who participated is on file at the Planning Department.

3. LOCATION: The subject property is designated Klamath County Tax Assessor Lot 3909-24A-200 & 300. It is located in portions of the NE 1/4 Sec. 24, T 39S R 9E.

4. FINDINGS OF FACT:

A. Background Information

The 1.41 acre parcel is fronted by the Southside Expressway, a state maintained bypass to the south of Klamath Falls. Surrounding the subject property are parcels of property zoned R-1, EFU-C and IL. These designations were approved by the Board of Commissioners when the Comprehensive Plan for Klamath County was developed and acknowledged November 25, 1981.

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5. HISTORIC USE:

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The subject property has not been used for any discernible purpose for decades, and has never been used for agricultural purposes.

6. EXCEPTIONS DOCUMENTATION:

As this is a plan/zone change NOT involving resource plan/zones, an EXCEPTIONS STATEMENT is NOT required. The Department of Land Conservation and Development (DLCD) did NOT respond to notification of this application.

7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA - ARTICLE 48:

The Planning Commission and Board were not able to make findings for these criteria as no testimony or evidence was received.

8. CHANGE OF ZONE DESIGNATION REVIEW CRITERIA - ARTICLE 47:

Criteria B 3 requires the property be "properly related to streets and roads.." Exhibit F is a letter from ODOT dated June 17, 1996 indicating their opposition to the change because the action would conflict with the future extension of the expressway.

Accordingly, the Planning Commission and Board were not able to make findings for this criteria or the others required by Article 47.

9. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended DENIAL of this application. The Board sincerely appreciates the Planning Commission effort and involvement with the Planning process. The Board has fully considered the recommendation, Exhibits A-F and testimony entered.

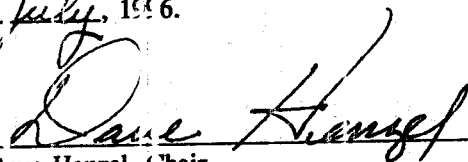
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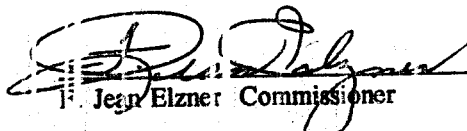
10. CONCLUSION AND ORDER:

The Board of Commissioners finds the subject property is NOT well suited and sited for commercial development. Proper notice of the application and the hearing was given. The intent of the statewide planning goals have been met.


THEREFORE, pursuant to motion made by Mr. Jean Elzner and seconded by Dave Henzel it is hereby ordered the change of Comprehensive Land Use Plan designation and zoning of the subject property from RURAL/R-1 to COMMERCIAL/CG IS DENIED.

DATED this 1st day of July, 1986.


Dave Henzel, Chair


Jean Elzner, Commissioner

Approved as to form:


Reginald R. Davis
County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified this decision may be appealed to the Land Use Board of Appeals within 21 days following the date of mailing of this ORDER. Contact the Land Use Board of Appeals for information as how to file this appeal. Failure to do so in a timely manner may affect your right to appeal.

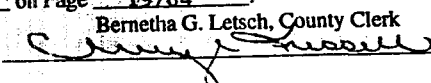
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STATE OF OREGON: COUNTY OF Klamath: ss.

Filed for record at request of Klamath County the 3rd day
of July A.D., 1986 at 9:14 o'clock AM, and duly recorded in Vol. H96
of Fee 13 on Page 19764

FEE No Fee

Return: Commissioners Journal

By 
Bernetha G. Letsch, County Clerk