

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP, ZC 6-96
FOR ROBERTA WOLLASTON

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of Commissioners on June 25, 1996. The applicants' request is for a Comprehensive Land Use Plan (CLUP)/Zone Change(ZC) from RURAL/R-1 to GENERAL COMMERCIAL/CG on a 5000 square foot parcel to allow for a office and a gift shop. This application was reviewed pursuant to Articles 47 and 48 of the Klamath County Land Development Code.

2. NAMES OF THOSE INVOLVED

Roberta Wollaston appeared in behalf of her application. The Planning Department was represented by Carl Shuck, Planning Director. Members of the Board of Commissioners who participated in this hearing were: P. Jean Elzner and Dave Henzel. The County Planning Commission, with a quorum present, participated in an advisory manner. One person, George Gleason, appeared in favor to the application.

3. LOCATION

The site considered in this application is a 5,000 square foot parcel generally located on the south side of the Klamath Falls-Lakeview Highway, and east of Yellow Jacket Springs Road, being a portion of Section 22, T.36S, R12EWM, Tax Lot 100, Beatty, Oregon.

4. RELEVANT FACTS

The applicants have requested a CLUP/ZC from RURAL/R-1 to GENERAL COMMERCIAL/CG on a 5,000 square foot parcel. The property was planned/zoned Rural/R-1 and is bordered on the west by R-1 zoning and on the east by commercial zoning/uses. To the northeast the zoning is industrial and commercial.

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 Land Development Code. A proposed Change of a Comprehensive Plan Designation shall be approved if the reviewing authority finds that the application meets all applicable review criteria set out in Section 43.030 of the Code as follows:

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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 need for the gift shop. The Board of Commissioners finds the applicants testimony and corroboration by the Staff and 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 of Commissioners finds the change in plan designation is supported by the record, exhibits, and testimony in that the use of the property as a gift shop would be an appropriate use of the site, given the size, location, aspect, necessity and the 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 result 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 a proposed project. The proposed project being a gift shop.

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. The proposed parcel meets the property development standards for minimum lot size, 5,000 square feet.

3. The property affected by the proposed change is properly related to streets to adequately serve the type of traffic generated by such use that may be permitted.

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The subject site is adjacent to paved and maintained County road, Yellow Jacket Spring Rd. The Oregon Department of Transportation responded by stating access will be off of Yellow Jacket Spring Rd. The Board finds the use will not generate additional traffic above the present level of traffic on Yellow Jacket Spring Rd.

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 east is already commercial. The zoning to the north east is industrial and 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.

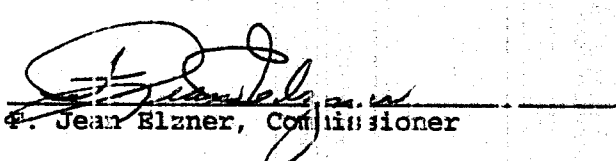
7. ORDER

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

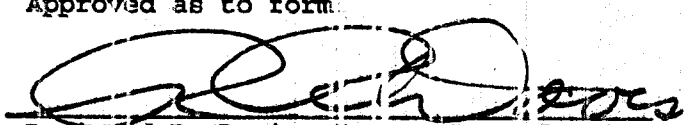
Therefore, it is ordered the request for CLUP/ZC 6-96 is approved for a change in Land Use Plan Change from RURAL to GENERAL COMMERCIAL and a Zone Change from R-1 to CG.

DATED this 1 day of July, 1996


Dave Henzel, Chairman


Jean Elzner, Commissioner

Approved as to form


Reginald R. Davis, County Counsel

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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 the 3rd day
 of July A.D., 19 96 at 9:14 o'clock AM., and duly recorded in Vol. M96
 of Deeds on Page 19767

Bernetha G. Letsch, County Clerk

THE No Fee

Return: Commissioners Journal

By *Bernetha G. Letsch*