

BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 13-96
FOR ROD PFEIFFER

1. NATURE OF THE APPLICATION

A hearing on this application was held before the Board of County Commissioners December 17, 1996.

The applicant is requesting a CLUP/ZC from TRANSPORTATION COMMERCIAL/CT to URBAN RESIDENTIAL/RM 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 duplexes and four plexes.

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 Elzner, Nell Kuonen, and Floyd L. Wynne. 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 2.18 acres and is located in the SE 1/4 Sec. 5, T.39S. R.9E. T.A. 3909-05DB-800, and 900.

4. RELEVANT FACTS

The applicant has requested a CLUP/ZC from INDUSTRIAL/IL to URBAN RESIDENTIAL/RM 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 additional housing units. 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 use to be utilized in conjunction with the existing residential uses for Tract 1265, 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 additional housing 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 Urban 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, additional housing in conjunction with existing use, through written testimony and corroboration of the Staff and Planning Commission.

2. The property effected 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, additional housing, is consistent with the proposed zoning designation, RM.

3. The property effected 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 Hwy.

The Board finds the use will not generate additional traffic above the present level of traffic on Greensprings Hwy.

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 residential, industrial, and commercial uses. The uses to the east are zoned industrial. The use to the south west is zoned commercial. The use to the north and south is zoned residential.

The conversion of the subject property to an residential 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-c, the applicant has satisfied the pertinent review criteria as set out in Oregon Administrative Rules and Articles 47 and 48 of the Code.

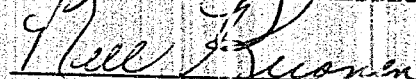
Correct notice was given and intent of the statewide planning program has been met.

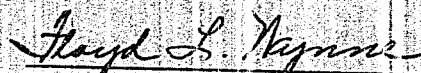
The Board notes the Department of Land Conservation and Development did not respond to this application.

Therefore, it is ordered the request for CLUP/ZC 13-96 is approved for a change in the Land Use Plan Change from TRANSPORTATION COMMERCIAL to URBAN RESIDENTIAL and a Zone Change from CT to RM.

DATED this 19th day of December 1996.


P. Jean Elzner, Commissioner


Nell Kuonen, Commissioner


Floyd L. Wynne, 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.

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STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 23rd day
of December A.D. 19 96 at 9:25 o'clock A. M., and duly recorded in Vol. M96
of Deeds on Page 39643

FEE No Fee Return: Commissioners Journal

by Bernetha G. Letsch County Clerk
