

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 18-97  
FOR RICHARD BEALS, JR

ORDER

NATURE OF THE APPLICATION

The applicant is requesting a CLUP/ZC from GENERAL COMMERCIAL/CG to URBAN RESIDENTIAL/RM on about 1 acre.

This application was reviewed pursuant to Article 47 and 48 of the Land Development Code. The applicant plans to develop a mobile home park.

NAMES OF THOSE INVOLVED

The applicant involved was Richard Beals. The Planning Department was represented by Carl Shuck, Planning Director. All members of the Board of County Commissioners were present, Al Switzer, William R. Garrard, and M. Steven West. The County Planning Commission, participated in an advisory manner.

A notarized list of those who appeared is on file at the Planning Department.

LOCATION

The site considered in this application is about 1 acre and is located in a portion of Section 15 of Township 39, Range 9. T. A. 3909-15AB-1300 and 1400. The site is on the east side of Altamont Drive and about 200 feet south of Barry Ave.

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 Articles 47 and 48 of the Land Development 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:

**CRITERIA:** The proposed change is supported by specific studies or other factual information which documents the public need for the change.

**FINDING:** The applicant offered testimony concerning the need for the the manufactured home park. The Board of Commissioners finds the applicant's testimony and corroboration by the Staff and the Planning Commission compelling.

**CRITERIA:** The proposed change complies with policies of the Comprehensive Plan and Oregon Statewide Planning Goals and Administrative Rules;

**FINDING:** The application before the Board is for a use in conjunction with the existing residential uses as indicated by applicant's site plan. 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, and that the use of the property for additional housing would be an appropriate use of the site, given the size location, and surrounding land use.

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

#### ARTICLE 47-CHANGE OF ZONE DESIGNATION- CONCLUSIONS/FINDINGS

The 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;

**CRITERIA:** A proposed change of zone designation is in conformance with 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;

**FINDINGS:** The Board finds the proposed plan change is consistent with state/local guidelines and 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 the existing use, that being a manufactured home.

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, additional housing for a mobile home park, is consistent with the proposed zoning designation, RM.

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 a paved and maintained County road, Altamont Drive.

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

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 nature and developed for residential use. The conversion of the subject property to a residential zone is found to be consistent with the existing/surrounding land use of the area as set out in applicant's testimony and corroborated by Staff and Planning Commission. The Board finds the above criteria are satisfied as set out.

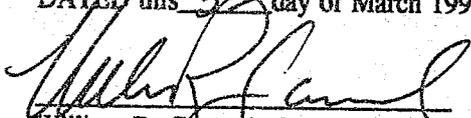
CONCLUSION

The Board of Commissioners concludes that testimony received and exhibits a-j, in support of the applicant's proposed change in plan designation and zone change have satisfied the pertinent review criteria of Article 47, Section 47.030 and Article 48, Section 48.030 of the Land Development Code.

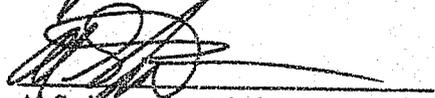
ORDER

The request for CLUP/ZC 18-97 for a change in Land Use Plan from General Commercial to Urban Residential and a Zone Change from CG General Commercial to RM Medium Density Residential is approved.

DATED this 31<sup>st</sup> day of March 1998

  
William R. Garrard, Chairman

  
M. Steven West, Commissioner

  
Al Switzer, 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. 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 March A.D., 19 98 at 3:53 o'clock P.M., and duly recorded in Vol. M98 of Deeds on Page 6973.

Return: Commissioners Journal

Bernetha G. Leisch, County Clerk

FEE No Fee

By Kathleen Ross