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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 7-98
FOR GARY/BETTY GREGORY

ORDER

NATURE OF THE APPLICATION

The applicant is requesting a CLUP/ZC from INDUSTRIAL /IL to GENERAL COMMERCIAL CG on about .50 acre.

This application was reviewed pursuant to Article 47 and 48 of the Land Development Code. The applicant plans to utilize the existing building as a retail store.

NAMES OF THOSE INVOLVED

The applicant involved was Gary Gregory. 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 .50acre and is located in a portion of Section 10 of Township 39, Range 9. T. A. 3909-10BC-1000. The site is on the east side of Washburn Way and about 130 feet north of Edison St.

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 existing building to be developed as a paint store. The Board of Commissioners finds the applicants testimony and corroboration by the Staff and the Planning Commission compelling.

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CRITERIA: The proposed change complies with policies of the Comprehensive Plan and Oregon State wide Planning Goals and Administrative Rules.

FINDING: The application before the Board is for a use that is similar to other uses in and around the subject property as indicated by Planning Departments zoning map. 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, that the use of the property for retail sales would be an appropriate use of the site, given size, location, and the 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 consistent with state/local guidelines and 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 change. The proposed use will be in an existing building that was demonstrated as being utilized for commercial use.

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, General Commercial.

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 has access from a 40 foot easement and is off of Edison St. The easement is paved.

The Board finds the use will not generate additional traffic above the present level of traffic on Washburn Way or Edison St.

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

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The Board finds subject property and surrounding uses are similar in use and are developed for commercial uses.

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 Staff and Planning Commission. The Board finds the above criteria are satisfied as set out.

The Board in no way endorses or approves the City of Klamath Falls requirement for applicant to annex into the City.

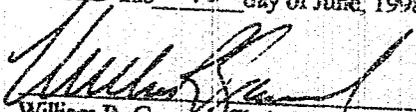
CONCLUSION

The Board of Klamath County Commissioners concludes that testimony received and exhibits a-c, and exhibit e, in support of the applicants 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 7-98 for a change in Land Use Plan from Industrial and a Zone Change II, Light Industrial to General Commercial and a Zone Change CG, General Commercial is approved.

DATED this 10 day of June, 1998

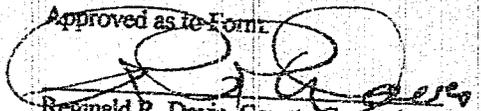

William R. Garrard, Chairman

Out of Office Today

M. Steven West, Commissioner


Al Switzer, Commissioner

Approved as to Form


Reginald R. Davis, County Counsel

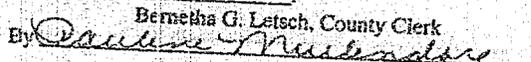
Notice of Appeal Rights

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 11TH day of JUNE A.D., 19 98 at 1:54 o'clock PM. and duly recorded in Vol. M98 of DEEDS on Page 20015

FEE NONE RETURN: COMMISSIONERS JOURNAL

By  Bernetha G. Letsch, County Clerk