

BEFORE THE BOARD OF COMMISSIONERS
OF KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 12-98
FOR RANDALL RAPP

ORDER

1. NATURE OF THE APPLICATION: The applicant requested a Comprehensive Land Use Plan and Zone Change (CLUP/ZC) from NON RESOURCE/NR to RURAL/R-5 on 19.5 acres located south of Flowers Ln., ¼ mile east of Wocus Rd., Wocus.

This application is considered pursuant to Ordinance 44.64, which has adopted criteria allowing zone/plan changes from NR to R-5 to be considered.

2. NAMES OF THOSE INVOLVED: A Hearing on this application was conducted AUGUST 25, 1998. The applicant was present and entered testimony in behalf of the application. Kim Lundahl represented the Planning Department. Members of the Board who participated in this Hearing were: William R. Garrard, M. Steven West, and Al Switzer. 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 located south of Flowers Ln., Wocus. A legal description is on file at the Planning Department.

4. FINDINGS OF FACT:

A. Background Information

The 19.5 acre property is generally below 15% in slope and has NOT been used for resource purposes for decades. The subject property is four miles from the Downtown business district for grocery stores, public and private recreational facilities, auto repair and service, restaurants, telephone and power services. It is within the KCFD with a fire station one-mile west.

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To the west of the subject property are parcels of property zoned R-5. To the south are parcels zoned Industrial. The property is NOT within a GOAL 5 overlay. The property IS within an area protected by a structural fire protection district, AND has a slope of less than 15%.

The Board of Commissioners approved these designations when the Comprehensive Plan for Klamath County was developed and acknowledged November 25, 1981.

5. HISTORIC USE:

The subject property has NOT been used for resource purposes or put to any other use anyone can recall.

6. EXCEPTIONS DOCUMENTATION:

As this is NOT a plan/zone change involving resource plan/zones, an EXCEPTIONS STATEMENT WAS NOT required.

7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA - ARTICLE 48:

Klamath County Land Development Code Section 48.030 sets forth the review criteria for approving a comprehensive land use plan change. The criteria and the Boards finding which responds to the criteria are as follows:

Criteria 48.030 B (1) - The proposed change is supported be specific studies or other factual information which documents the public need for the change.

FINDING: The public need for this change in the Comprehensive Plan WAS supported by specific studies or other factual information (Applicant Testimony).

8. ZONE CHANGE REVIEW CRITERIA - ARTICLE 47:

Article 47 of the Klamath County Land Development Code contains the review criteria, which must be addressed in approving a change of zone.

The specific criteria and the Boards findings are as follows:

Section 47.030 B (4) - The proposed change of zone designation will have no adverse effect on the appropriate use and development of adjacent properties;

FINDING: Based on the written and oral testimony of adjacent and affected property owners the Board finds that the proposed change would NOT impact the use and development of adjacent property and this application does comply with this criteria.

Section 47.030 B 5 - The proposed change is supported by specific studies or other factual information that documents the need for this change.

FINDING: The Board finds that the testimony presented in support of Ordinance 44.64 is applicable to this situation.

9. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended APPROVAL of this application, the Board after full consideration of the recommendation and review of the exhibits and testimony ACCEPTS the Planning Commission for the reasons stated above.

10. CONCLUSION AND ORDER:

The Board of Commissioners finds the subject property was demonstrated to be well suited and sited for the proposed rural development and accepts the Planning Commissions recommendation.

Specifically the Boards finds that compliance with the criteria set out in Section 47.030 B (4) &

(5) and Ordinance 44.64 allowing plan/zone changes from NR to R-5 was demonstrated.

Proper notice of the application and the hearing was given. The intent of the statewide planning goals has been met.

THEREFORE, pursuant to motion made it is hereby ordered the change of Comprehensive Land Use Plan designation and Zoning of the subject property, as requested by Randall RAPP, is APPROVED.

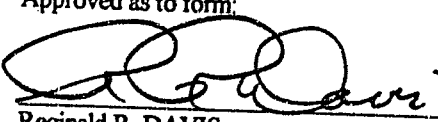
DATED this 28 day of Aug, 1998.


William R. GARKARD, Chair


Mr. Steven WEST, Commissioner


Al SWITZER, Commissioner

Approved as to form:


Reginald R. DAVIS
County Counsel

NOTICE OF APPEAL RIGHTS

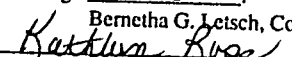
You are hereby notified this decision may be appealed to the Land Use Board of Appeals within 21 days following the date of execution of this ORDER. Contact the Land Use Board of Appeals for information as how to file this appeal. Failure to do so in a timely manner may affect your right to appeal.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 28th day
of August A.D., 19 98 at 1:41 o'clock P M., and duly recorded in Vol. M98
of Deeds on Page 31671.

FEE None

By  Bernetha G. Leisch, County Clerk