

BEFORE THE BOARD OF COMMISSIONERS  
OF KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 15-98  
FOR KEN AND NORMA KEENEY

ORDER

**1. NATURE OF THE APPLICATION:** The applicant is requesting a Comprehensive Land Use Plan and Zone Change (CLUP/ZC) from FORESTRY/F to INDUSTRIAL/IH on 5.38 acres located east of Hwy 97N, 0.5 miles north of Beaver Marsh. The purpose is to facilitate an auto wrecking, scrap operation and fleet storage businesses.

**2. NAMES OF THOSE INVOLVED:** A Hearing on this application was conducted DECEMBER 15, 1998. The applicant, Ken Keeney, appeared and entered testimony in behalf of the application. Kim Lundahl represented the Planning Department. Members of the Board of County Commissioners who participated in this Hearing were: 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 in portions of the W ½ NW ¼ SE ¼ Sec. 17, T 28S R 8E. T.A. 2808-17-700.

**4. FINDINGS OF FACT:**

A. Background Information

The 5.38 acre parcel is generally level terrain is developed with a manufactured home and large shop building. The subject property is 4.5 miles from the Chemult business district for grocery stores, public and private recreational facilities, auto repair and service, restaurants, telephone and power services. Surrounding the subject property are parcels of property zoned F and IH (east). The Board of

Commissioners approved these designations when the Comprehensive Plan for Klamath County was developed and acknowledged November 25, 1985.

**5. HISTORIC USE:**

The subject property has NOT been used for forest practices for decades, and was used as an accessory storage yard for the mill to the east.

**6. EXCEPTIONS DOCUMENTATION:**

As this is a plan/zone change involving resource plan/zones, an EXCEPTIONS STATEMENT WAS required pertaining to Goal 4. The Department of Land Conservation and Development (DLCD) reviewed this submitted documentation and entered a verbal comment of "no comment" on December 7, 1998.

**7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA - ARTICLE 48:**

Klamath County Land Development Code Section 48.030A sets forth the review criteria for approving a comprehensive land use plan change. The criteria and the applicant's evidence, which responds to the criteria, are as follows:

A. The public need of this change in the Comprehensive Plan is shown by testimony entered by the Keeneys. There is not a similar facility in the center of the County and need for same was demonstrated.

The Board finds there is a demonstrated need for additional industrial zoned properties in the North County to facilitate those uses enumerated in the Exceptions Statement.

B. The proposed change is in compliance with statewide planning goals. The relevant statewide planning goals are; 2 - Land Use Planning, 4, Forestry, 9- County Economy.

The subject property was planned and zoned for Resource use at the request of the Citizens Steering Committee in 1981.

Because of its size and proximity to expanding rural uses, i.e. existing exceptions areas, the Board finds a positive impact would be realized by the conversion of the Resource planned/zoned property to a defined industrial area. And compliment the expanding population in the area in harmony with the current trend and will not decrease the resource land inventory to an appreciable degree.

Goal 11, Public Facilities and Services, is designed to plan for the timely, orderly, and efficient arrangement of public facilities and services. In developing its Comprehensive Land Use Plan, the county studied the existing development of land in the county and the relationship between land development and the need for public facilities and services. Those studies are part of Klamath County's Comprehensive Plan. For Industrial development, the County identified in its comprehensive plan a need for the provision of the following services:

- (1) Road development and maintenance;
- (2) Water and septic services;
- (3) Fire protection; and
- (4) Power, telephone, and other utilities.

In comparing the provision of those services to the subject property, the site plan for the subject property shows self maintained access the state highway. Water services are provided by well. Individual septic systems will be required. Other services available in the general area include, grocery stores, churches, recreational facilities and other small community services.

C. The proposed change is in conformance with policies of the Klamath County Comprehensive

Plan. The subject application and planned use for the property is congruent with the policies for state-wide planning Goals 1, 2, 9 and 11 which are described hereinabove.

As described above, this area is well suited for industrial use and is a desirable location for the use proposed, uses allowed by the Industrial zones.

The Board finds there is a definite demonstrated need for this type of development. The subject area contains the public and private services which the county deems necessary and services can accommodate the growth that will arise from the development of this property without any adverse effect.

**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 criteria and the applicants' evidence of compliance therewith is as follows:

A. The proposed change of zone from F to IH is in conformance with the Comprehensive Plan and all other provision of the Land Development Code. The relevant comprehensive plan, findings and policies are discussed hereinabove. In addition, many of the Land Development Code requirements are also discussed above or demonstrated.

B. The property affected by the change of zone is adequate in size and shape to facilitate the uses that are allowed in conjunction with such zoning. The property is 5.38 acres in size. The applicant will need to submit an Article 41 Site Plan, and prior to initiation will need to be reviewed via the Site Plan Review process.

The information submitted herewith demonstrates that domestic water, fire protection and septic

systems and other required utilities are well suited for the development of the subject property. The subject property is adequate in size and shape to facilitate the planned use and the planned use provides a reasonable transition from Resource to Industrial development.

C. The property affected by the proposed change of zone is properly related to a State Hwy to adequately serve the type of traffic generated by such use that may be permitted therein. The proposed site plan submitted by the applicant show the access road proposed for the property. The width and design of the existing access is in compliance with the Code. County and state roads that serve the subject property have the capacity to carry the increased traffic that will be generated by the uses located on the subject property.

D. The proposed change of zone will have no adverse effect on the appropriate use and development of adjacent properties. As described above, the subject property lies in an area that is committed to development as non-resource uses. The pattern of development surrounding the subject property is rural residential. The land use to the east is Industrial and has been for many years. The development of this property will not interfere or impact commercial agriculture and forestry uses. The property is not well suited for either purpose as outlined herein. Property surrounding the subject property is similarly not well suited for agriculture or forestry purposes.

#### **9. OTHER CONSIDERATIONS:**

The subject property does not lie within any identified fish or wildlife resource area. The exception site contains no mineral or aggregate resources, historic or cultural values, energy resources, or other resources listed under Goal 5 of the Klamath County Comprehensive Plan. The proposal does not conflict with any natural resource values, and it does not conflict with any air, water, or land resource

quality criteria.

The subject property is not in an area subject to natural disaster or hazards and is not required for the recreational needs of the state and its visitors. The development of the property will enhance economic development of Klamath County by increasing the tax base value, providing jobs for the citizens that are here and providing demands for the private retail and commercial interests of the area and Klamath County generally.

**10. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission has recommended APPROVAL of this application. The Board acknowledges the Planning Commission effort and involvement with the Planning process. The Board has fully considered the recommendation, Exhibits A-D and testimony entered.

**11. CONCLUSION AND ORDER:**

The Board of Commissioners finds the subject property is particularly well suited and sited for the proposed industrial development. The development of the property will meet a demonstrated need for the specified uses.


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

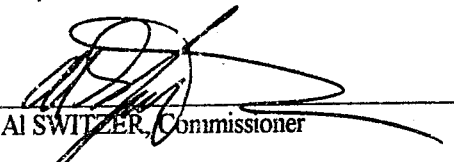


THEREFORE, pursuant to motion made by Al Switzer and seconded by M. Steven West, it is hereby ordered the change of Comprehensive Land Use Plan designation and zoning of the subject property from FORESTRY/F to INDUSTRIAL/IH IS APPROVED, subject to:

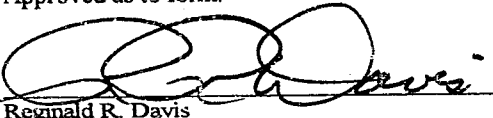
1. The uses allowed by this approval is limited to that proposed by the applicant and justified by the entered "Exception Statement," a facility encompassing auto wrecking facility, scrap operation and fleet storage.

DATED this 21<sup>st</sup> day of DECEMBER, 1998.

  
M. Steven WEST, Co-Chair

  
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 mailing 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 rights.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Planning Dept. the 22nd day  
of December A.D., 19 98 at 3:44 o'clock P M., and duly recorded in Vol. M98,  
of Deeds on Page 46879.

FEE None

By Kathleen Brass  
Bernetha G. Letsch, County Clerk