

BEFORE THE BOARD OF COMMISSIONERS
OF KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 16-98
FOR ROBERT AND CHARLEE BENNETT

ORDER

99 MAR -9 AM 11:57

1. **NATURE OF THE APPLICATION:** The applicant is requesting a Comprehensive Land Use Plan and Zone Change (CLUP/ZC) to expand a "Limited Use Overlay" applied via CLUP/ZC 5-96 approved August 14, 1996. The overlay granted approval to establish an *auto impound/towing facility* on 12.39 acres on property zoned CT. The request before the Board was to expand this overlay to include: *auto and light equipment sales/rentals/service;* specifically a U-Haul franchise and auto rental agency. The contents of file CLUP/ZC 5-96 are incorporated within the record of this application.

2. **NAMES OF THOSE INVOLVED:** A hearing on this application was held **FEBRUARY 23, 1999**. The applicant appeared and entered testimony in behalf of his application. The Planning Department was represented by Kim Lundahl. Members of the Board of County Commissioners who participated in this Hearing were: M. Steven West, Al Switzer, and William R. Garrard. The 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. **FINDINGS:** The Board, upon consideration of the record, testimony, and exhibits, finds:

- A. The proposed expansion of uses has been demonstrated to compromise the public safety by the Oregon Department of Transportation as evidenced by their letter dated February 17, 1999.
- B. The testimony of affected property owners demonstrated the proposed expansion would have a significant adverse effect on the appropriate use of adjacent properties.

4. **ORDER:** The Board of County Commissioners, based on the findings set out above, DENIES the request of BENNETT to expand the uses allowed by the Limited Use Overlay applied to the property by CLUP/ZC 5-96.


DATED THIS 2 DAY OF March, 1999


M. Steven WEST, Chair


Al SWITZER, Commissioner


William R. GARRARD, 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 right to appeal.

STATE OF OREGON : COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 9th day
of March A.D. 1999 at 11:57 o'clock A. M., and duly recorded in Vol. M99
of Deeds on Page 8333

FEE

No Fee

Linda Smith, County Clerk

by

