

1072 OCT -7 AM 9:23

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF KLAMATH COUNTY, OREGON**

**IN THE MATTER OF CLUP/ZC 10-99
FOR BLY VECTOR CONTROL DISTRICT**

ORDER

1. NATURE OF THE APPLICATION:

The applicant is requesting a CLUP/ZC from Rural Community Residential (RCR) to Transportation Commercial (CT) zoning. This request is made by the Bly Vector Control District which would like to utilize the property to store equipment for their mosquito abatement program.

2. NAMES OF THOSE INVOLVED:

A Hearing on this application was conducted on SEPTEMBER 29, 1999. Kevin Russell represented the Planning Department. Members of the Board of County Commissioners who participated in this Hearing were: M. Steven West, Al Switzer, and William R. Garrard. 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:

On the westside of Hwy 140, north of Gerber Street in the community of Bly.

LEGAL DESCRIPTION: Lots 4,5,6 and the northern 34 feet of Lot 15, and the southern 10' feet of Lot 14 North Bly Subdivision.
MTL# - R-3614-034DC-06000-000

4. FINDINGS OF FACT:

This request is to change the current Rural Community Residential Zoning to Transportation Commercial zoning. This request conforms to the existing and surrounding land uses. The adjacent properties currently contain a mix of RCR and CT/C zoning. This lot is currently vacant and is provided access via Highway 140. This property does not lie within the Goal 5 Significant Resource Overlay and is not located within a FEMA designated floodplain. The surrounding properties currently contain a mix of commercial and residential zoning.

5. HISTORIC USE:

Tax Lot #R-3614-034DC-06000-000 is currently vacant. A residence was removed from the site several years prior to the submittal of this application.

6. EXCEPTIONS DOCUMENTATION:

No Exception Statement was required from the Statewide Planning Goals.

7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA – ARTICLE 48:

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

This request is to change the current Rural Community Residential Zoning to Transportation Commercial zoning. This request conforms to the existing and surrounding land uses. The adjacent properties currently contain a mix of RCR and CT/C zoning. This lot is currently vacant and is provided access via Highway 140.

The proposed change complies with policies of the Comprehensive Plan.

Goal 1 – Citizen Involvement

Goal 2 - This project complies with the Klamath County Comprehensive Plan by rezoning properties that follow the existing land use pattern.

Goal 11 – Public Facilities and Services

- a. Road development and maintenance
- b. Water and sewer/septic services
- c. Fire protection; and
- d. Power, telephone and other utilities

The proposed change complies with the Oregon Statewide Planning Goals and Administrative Rules.

The proposal is in compliance with the Oregon Statewide Planning Goals, and does not require an exception from the Goals.

8. ZONE CHANGE REVIEW CRITERIA – ARTICLE 47:

The proposed change of zone designation is in conformance with the 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.

The proposed change of zone is in conformance with the comprehensive plan and all other provisions of the Land Development Code. The relevant Land Development Code and Comprehensive Plan provisions have been addressed and the project is found in compliance. This request creates consistent zoning and land use with the adjacent lands.

The property affected by the change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning.

This zone change/comprehensive land use change has been requested to store equipment used in conjunction with the Bly Vector Control. The properties affected by this action are adequate in shape and size to facilitate uses as described by the Commercial Transportation Zoning.

The property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructure to adequately serve the types of uses allowed in conjunction with such zoning.

The application is in compliance with the Goal 11 (Public Facilities and Services) of the Klamath County Comprehensive Plan. The lot has access through Hwy 140. In addition, the lot is serviced by Bly water and sewer.

The proposed change of zone designation will have no significant adverse effect on the appropriate use and development of adjacent properties; and

This proposal is harmonious with the adjacent and surrounding property uses and therefore will utilize the land in a consistent manner. The property is surrounded by a mix of commercial and residential zoning. In addition, it is adjacent to Hwy 140 and several commercially zoned lots.

9. OTHER CONSIDERATIONS:

The subject lots do not lie within a designated FEMA floodplain, nor a significant Goal 5 resource as defined by the Klamath County Comprehensive Plan.

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-E and testimony entered.

11. CONCLUSION AND ORDER:

The Board of Commissioners found that the applicant did meet the criteria and concurred with the Planning Commission recommendation of APPROVAL. Proper notice of the application and the hearing was given. The intent of the Oregon Statewide Planning Goals have been met.


39929

THEREFORE, pursuant to a motion made by Al Switzer and seconded by William R. Garrard, it is hereby ordered the change of Comprehensive Land Use Plan designation and zoning of the subject property from Rural Community Residential to Transportation Commercial IS APPROVED.

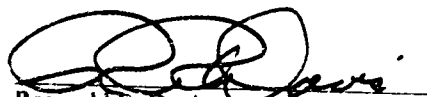
DATED this 4th day of October ~~September 30~~, 1999.


M. Stephen WEST, Chairman


Al Switzer, Commissioner


William R. Garrard, Commissioner

Approved as to form:


Reginald R. Davis
County Counsel

1 Oct 99

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 the 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.

Return to Commissioner's Journal

State of Oregon, County of Klamath
Recorded 10/07/99, at 9:28 a.m.
In Vol. M99 Page 39926
Linda Smith,
County Clerk Fees NC