

1999 OCT -7 AM 9: 28  
**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF KLAMATH COUNTY, OREGON**

**IN THE MATTER OF CLUP/ZC 11-99  
FOR ENRST BROTHERS LLC.**

**ORDER**

**1. NATURE OF THE APPLICATION:**

The applicant is requesting a CLUP/ZC to change the zoning from Rural Community Residential (RCR) to General Commercial (CG). The property is currently utilized as an administrative office for Ernst Brothers LLC. This proposal will enable the applicant to expand the existing office from its current 3,500 sq ft to 6,000 sq ft.

**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:**

SW corner of Mountain View Drive and Manzarita Street in the community of Gilchrist.

**LEGAL DESCRIPTION:** Tract 1318 Gilchrist Townsite  
MTL# - R-2409-019DA-04200 & 04100

**4. FINDINGS OF FACT:**

This ZC/CLUP change is for a 1.63 acre parcel (2 tax lots). The property is located outside the FEMA designated flood plain, and is located outside of the Goal 5 overlay. The property is currently being utilized as professional offices.

**5. HISTORIC USE:**

This site was originally used in conjunction with the mill operations and since has been used as professional office space. The property is currently a legal non-conforming use and is currently zoned Rural Community Residential.

**6. EXCEPTIONS DOCUMENTATION:**

No Exception Statement was required from the Statewide Planning Goals.

## **7. COMPREHENSIVE PLAN CHANGE REVIEW CRITERIA – ARTICLE 48:**

### **Article 48 – Change of Comprehensive Plan Designation – Section 48.030,B**

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

This property is currently being utilized as an existing professional office building. The applicant is requesting this change to construct a 2,500 square foot expansion. Currently there is Commercial Transportation zoning located to the north of the property. In addition, the lot is currently being utilized in a commercial capacity as professional offices.

*The following compares the application with the policies of the Comprehensive Plan:*

#### **Goal 1 – Citizen Involvement**

#### **Goal 11 – Public Facilities and Services**

This property is serviced by the following public facilities and services:

- a. Road development and maintenance (Mountain View Drive, Hwy 97).
- b. Gilchrist Water and sewer/septic services
- c. Crescent Rural Fire Protection
- d. Power, telephone and other utilities

#### **Goal 9 – County Economy**

Policy #9 of the Klamath County Comprehensive Plan states that "The County shall encourage plans and methods that emphasize expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional development."

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

This proposal complies with the Oregon Statewide Planning Goals and the Oregon Administrative Rules.

## **8. ZONE CHANGE REVIEW CRITERIA – ARTICLE 47:**

### **Article 47 – Change of Zone Designation – Section 47.030,B**

*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 property is currently being utilized as professional offices. This proposed zone change will create consistency with the current use and the proposed zoning.

*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.*

The property is suitable in size and shape to facilitate the proposed uses.

*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 site is serviced with sewer and water (Crescent Sewer and Water LLC) and has access of a paved county maintained road. In addition, it has fire protection under the Crescent Rural Fire Protection District.

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

This proposed zone change/comprehensive land use plan change would have minimal effect on the adjacent properties. There is currently commercial zoned properties to the north of the site. In addition, the property is already being used in a commercial capacity. Also, this lot fronts Highway 97 to the west.

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

The applicant has requested a zone change/comprehensive plan change be expand and existing commercial operation. The site is currently a legal non-conforming use and this application will bring the lot into conformity.

#### **9. PLANNING COMMISSION RECOMMENDATION:**

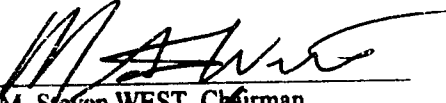
The Planning Commission has recommended APPROVAL of this application. The Board acknowledges the Planning Commission effort and involvement with the Planning process. The Board has fully considered the recommendation, Exhibits A-G and testimony entered.

#### **11. CONCLUSION AND ORDER:**

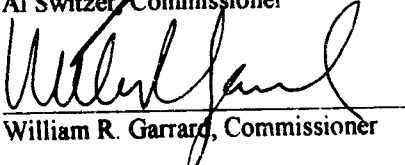
The Board of Commissioners found that the applicant did meet the criteria and concurred with the Planning Commission recommendation of APPROVAL. Proper notice of the application and the hearing was given. The intent of the Oregon Statewide Planning Goals have been met.

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 General Commercial IS APPROVED.


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

  
M. Steven 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 9:29 a. m.  
In Vol. M99 Page 39930  
Linda Smith.  
County Clerk Fees NC