

BEFORE THE BOARD OF COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF CLUP/ZC 13-99  
FOR MARK/LINDA PEMBERTON

NATURE OF APPLICATION

The applicant is requesting a CLUP/ZC from URBAN RESIDENTIAL/RS TO GENERAL COMMERCIAL/CG on about .66 acres. The proposed use is for an addition and for an existing auto repair shop.

This application was reviewed pursuant to Article 47 and 48 of the Land Development Code.

NAMES OF THOSE INVOLVED

A hearing on this application was held November 23, 1999. The applicant appeared and entered testimony in behalf of his application. The Planning Department was represented by Carl Shuck. 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 appeared is on file at the Planning Department.

LOCATION

The site considered in this application is about .66 acres and is located in a portion of Section 35 of Township 38, Range 9, T. A. 3809-035CD-5800. The site is about 200 feet north of Shasta Way and on the west side of Ivory Drive.

## FINDINGS

The applicant has requested a C LUP/ZC from Urban Residential (RS) to General Commercial for an auto repair shop. The properties currently consist of two separate lots consisting of .66 acres.

The applicant testified and offered, into the record, signed letters from the abutting property owners on the west, south, and east, that they did not object to the change in the land use designation. The same property owners also stated in their signed letter that the proposed use and improvement would enhance the conditions and the improvement would not be an adverse effect to their adjoining property.

A letter from Mr. Carl Lamoureux indicated he was in agreement with the zone change if concerns of noise, air quality and appearance were addressed.

The applicant stated in his testimony that he could meet Mr. Lamoureux's concerns.

A memo from Public Works indicated that the proposed action would not have an significant adverse impact on traffic or drainage.

The applicant testified he only takes the amount of vehicles that he provides parking for on his property.

The applicants testimony indicated that the abutting property on the south west was zoned Neighborhood Commercial. The uses are an upholstery shop and a barber shop.


## CONCLUSIONS AND ORDER

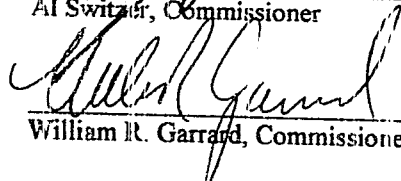
The Board of Commissioners finds from the testimony and exhibits that the property is suited for the proposed use, an auto repair shop.

The Board of Commissioners also applies the Limited Use Overlay zone to the property, requiring the applicant to request a comprehensive plan amendment and zone change in order to for the Limited Use Overlay to be removed.

THEREFORE, pursuant to a motion made by Al Switzer and seconded by William R. Garrard, and passed by the Board of Commissioners, two to one, it is hereby ordered the change of Comprehensive Land Use designation and zoning of subject property from RS (Urban Residential) to CG (General Commercial) for Pemberton is approved.

Dated this 9th day of December 1999

  
Al Switzer, Commissioner

  
William R. Garrard, Commissioner

Approved as to form:

  
Reginald R. Davis  
County Counsel

1 Dec 99  
Date

#### 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 mailing of this order. Failure to do so in a timely manner may affect your right to appeal this decision.

State of Oregon, County of Klamath  
Recorded 12/13/99, at 10:08 a. m.  
In Vol. M99 Page 48878  
Linda Smith,  
County Clerk Fee \$ NC