

KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE)
 APPLICATION FOR AN)
 ADMINISTRATIVE ZONE)
 CORRECTION NO. 75-53)
 BY BILLIE CHAMBERS)

O R D E R

This matter having come on before the Klamath County Planning Department upon the application by BILLIE CHAMBERS for an Administrative Zone Correction No. 75-53, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from RA (Residential Agricultural) zone to C-5 (Commercial Highway) zone, a description of the real property referred to in said application being the south 131.56 feet of Lot 6 and all of Lot 7, Block 1, Third Addition to Altamont Acres, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 39 So., Range 9 East of the Willamette Meridian, Klamath County, Oregon, and said application having been examined and such studies conducted as were required, the following findings of fact are set forth.

1. A description of the real property for which the change of zone is requested is the south 131.56 feet of Lot 6 and all of Lot 7, Block 1, Third Addition to Altamont Acres, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 39 So., Range 9 EWM, Klamath County, Oregon.
2. The land in question is currently zoned RA (Residential Agricultural).
3. The applicant feels the proper zone for his subject parcel is the C-5 (Commercial Highway).
4. The part of Klamath County affected by the application was zoned on December 7, 1972.
5. The land in question is owned by the applicant, Billie Chambers.
6. The Comprehensive Land Use Plan map designation for the property is Urban Density Residential.
7. The proper land use map designation for the C-5 (Commercial Highway) zone, for which the applicant has applied, would be General Commercial.

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8. Applicant presented three letters of testimony establishing that there was in fact a C-5 use on the subject property prior to December 7, 1972. This exhibit may be seen in the Klamath County Planning Department subject file.

9. An aerial photograph of the property was taken, which may be seen in the Planning Department subject file.

10. According to the Assessor's records, a copy of which may be seen in the Planning Department subject file, at one time previous to 1972 both of the applicant's lots were classed as commercial property.

11. The subject property appears to be substantially suited and located to accommodate the proposed uses.

12. The applicant is agreeable to conditions listed herein.

Based upon the above findings of fact the following conclusions of law are made:

1. The land in question was erroneously zoned due to a failure to recognize the C-5 use on the property.

2. According to testimony and evidence presented by the applicant, the subject property was actually used for a house-moving business, a contractor's storage yard, a truck and auto repair business, and a house for residential and office use, and such uses existed lawfully.

3. For the above reasons, the zone correction necessary for said real property is the C-5 (Commercial Highway) zone and the Comprehensive Land Use Plan designation necessary is the General Commercial, which is customarily applied to C-5-zoned property.

4. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof within a two hundred fifty (250) foot radius, excluding highways and rights-of-way, providing:

a. The allowable principal uses from Section 66.002 be restricted to the following:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use.

Auto repair sales, new

Auto repair garage

Auto sales and service

Auto top, glass and upholstery shop

Body and fender shop
Building materials
Equipment rental
Farm equipment sales, rental and service
Fix-it shop
Lawnmower sales and service
Maintenance service
Motorcycle sales and service
Motor scooter sales and service
Repair garage
Tire sales, new
Truck repair (a preexisting use, allowed to continue)

b. The applicant agrees to maintain the property in a clean and orderly condition and to clear the property of debris, or this ORDER will be revoked and the zoning will return to a residential zone with the above C-5, except auto repair, being disallowed.

c. The applicant screens the property from those landowners who object to viewing the property with the associated uses. However, the front need not be screened with anything but movable screening.

d. Where possible, the screening shall consist of an appropriate vegetative type.

e. The applicant does not use any flashing signs on the property.

f. The applicant constructs a fence as stated and agreed in previous testimony.

g. The applicant not allow the property to give the appearance of an auto dismantling yard.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for Administrative Zone Correction No. 75-53 submitted by Billie Chambers, requesting a zone correction from RA (Residential Agricultural) zone to C-5 (Commercial Highway) zone and the Comprehensive Land use Plan map correction from Urban Density Residential to General Commercial, a description of the real property referred to in said application being the south 131.56 feet of Lot 6 and all of Lot 7, Block 1, Third Addition to Altamont Cares, situate in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 39 So., Range 9 EWM, Klamath County, Oregon, is hereby provisionally approved on the conditions that:

a. The allowable principal uses from Section 66.002 be restricted to the following:

Accessory buildings and appurtenances normally required in conjunction with the conduct of a permitted use.

- Auto repair sales, new
- Auto repair garage
- Auto top, glass and upholstery shop
- Body and fender shop
- Building materials
- Equipment rental
- Farm equipment sales, rental and service
- Fix-it shop
- Lawnmower sales and service
- Maintenance service
- Motorcycle sales and service
- Motor scooter sales and service
- Repair garage
- Tire sales, new
- Truck rentals
- Truck repair (a preexisting use, allowed to continue)

b. The applicant agrees to maintain the property in a clean and orderly condition and to clear the property of debris, or this ORDER will be revoked and the zoning will return to a residential zone with the above C-5, except auto repair, being disallowed.

c. The applicant screens the property from those landowners who object to viewing the property with the associated uses. However, the front need not be screened with anything but movable screening.

d. Where possible, the screening shall consist of an appropriate vegetative type.

e. The applicant does not use any flashing or lighted signs on the property.

f. The applicant constructs a fence as he has stated and agreed in previous testimony.

g. The applicant not allow the property to give the appearance of an auto dismantling yard.

ORDER: ADMIN. ZONE CHANGE 75-53
BILLIE CHAMBERS
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IT IS HEREBY FURTHER ORDERED that the County Zoning and Comprehensive Land Use Plan maps be corrected to show such changes. Unless an appeal is filed prior to January 12, 1975, this ORDER shall become permanent.

Archibald J. Sisson
Klamath County Planning Director

APPROVED AS TO FORM

By Billie Chambers
County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH: ss.
and for record at request of KLAMATH COUNTY PLANNING DIRECTOR
this 15th day of DECEMBER 1975 at 8:41 o'clock A.M. and
duly recorded in Vol. 1475, of DEEDS on Page 15699
NO FEE Wm D. Milne County Clerk

By Hazel Brazil