

BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a)
REQUEST FOR ZONE CHANGE) CASE NO. 3-83
for)
ROGER W. SCHOOLER and) FINDINGS OF FACT, CONCLUSIONS
CHERYL SCHOOLER) OF LAW AND DECISION

THIS MATTER came before the Klamath County Assistant Hearings Officer, JAMES R. UERLINGS, on the 21st day of April, 1983, at 1:30 p.m. in the Klamath County Commissioners' Hearing Room. The Planning Department was represented by its staff and Mr. Schooler appeared in person. Exhibits "A" through "F" were offered and received into evidence.

Whereupon, the Assistant Hearings Officer makes the following Findings of Fact, Conclusions of Law and Decision.

FINDINGS OF FACT:

1. The applicants are the owners of the property located within Klamath County and described as Section 3, Township 39, Range 9, Tax Lot 3909-344-5800, located on the north side of Hilyard Avenue between Summers Lane and Crescent Street, Klamath County, Oregon.

2. The applicant desires to change the zone from RH-high density to RM-medium density to allow the development of a fourteen (14) lot mobile home subdivision. The current plan designation is urban residential, the zone designation is RH. Adjacent and/or surrounding zoning is RH and RS.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 The property is 400' x 250', consisting of 2.41 acres, irregular
2 in shape. The SCS soil class is III. The site is located
3 within one-half ($\frac{1}{2}$) mile of Altamont Elementary School and
4 Mazama High School and is adjacent to Hilyard Park.

5 3. Sewer is provided by South Suburban Sanitary
6 District and water by the City of Klamath Falls. The property
7 is served by Klamath County Fire District #1, Pacific Power
8 and Light, Pacific Northwest Bell and Klamath Irrigation District.
9 Fire District #1 recommended that the installation of a fire
10 hydrant adjacent to the entry of the subdivision be made a
11 condition of the granting of this zone change. No evidence
12 was provided by the Fire District as to the feasibility and
13 cost of such construction. The applicant testified that the
14 current City water line serving the property would not allow
15 for the proper installation of a fire hydrant.

16 4. One witness appeared to testify in regards to
17 this application, in addition to the applicant, and basically
18 noted that this zone change would reduce the density allowed
19 within the zone and thereby probably enhance livability of
20 the area. This witness did recommend that the appropriate
21 Klamath County officials review the installation of traffic
22 control devices or traffic pattern usage in general in the area.

23 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

24 1. Klamath County Development Code, Section 48.003,
25 sets forth the general criteria for consideration in a zone
26 change:

1 A. The proposed change of zone is in compliance
2 with the Klamath County Comprehensive Plan and the provisions
3 of this Code.

4 B. The proposed change of zone adequately responds
5 to the site's specific conditions to minimize adverse effects
6 upon surrounding property that would be affected by the proposed
7 change.

8 2. Klamath County Development Code, Section 48.001,
9 sets forth the general purpose of Article 48, "Change of Zone
10 Designation", including the requirement that the zone changes
11 are required to maintain conformance with the Klamath County
12 Comprehensive Plan.

13 3. ORS 197.175 requires all zoning ordinances adopted
14 by a County to be in conformity with the State-wide Planning
15 Goals and Guidelines.

16 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

17 1. See Findings of Fact 1-4 as set forth above.

18 2. The zone change requested by the applicants is in
19 compliance with the Klamath County Comprehensive Plan and the
20 provisions of this Code.

21 3. The proposed change of zone adequately responds
22 to the site's specific conditions to minimize adverse effects
23 upon surrounding property that would be effected by the proposed
24 change; specifically, the reduction of density from high to
25 medium density will, in all likelihood, reduce the eventual
26 amount of traffic in the area, and would be the most effective

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 usage of the land.

2 STATE-WIDE PLANNING GOALS, CRITERIA AND FINDINGS:

3 See Exhibit "AA", Pages 1-7 attached hereto and
4 incorporated by this reference.

5 CONCLUSIONS OF LAW AND DECISION:

6 A. The change of zone from RH to RM satisfies all
7 applicable Klamath County Development Code criteria and policies
8 governing re-zonings.

9 B. The change of zone from RH to RM is in conformity
10 with the Klamath County Comprehensive Land Use Plan.

11 C. The change of zone is consistent and complies
12 with all the applicable State-wide Planning Goals and statutes.

13 D. The health, safety and welfare of the residents
14 of Klamath County requires that the following conditions
15 be placed on this change of zone designation:

16 1. That the applicants follow their plot plan
17 as submitted herein.

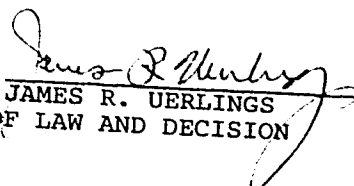
18 2. That the applicant take all steps necessary
19 in order to prevent drainage from the property draining into
20 the 1-C drain canal adjacent to the property.

21 THEREFORE, I grant this zone change designation from
22 RH to RM.

23 DATED this 28 day of April, 1983.

24
25
26

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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JAMES R. UERLINGS

COMPREHENSIVE PLAN POLICIES AND STATE
LAND USE GOALS 1 - 14

6499

GOAL NO. 1 - Citizen Involvement

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

"The County shall provide for continued citizen involvement opportunities."

State Goal Issues:

This matter will be reviewed at public hearings before the City Planning Commission and Council and the County Hearings Officer. Notice has been sent to surrounding property owners, concerned public agencies, and published in the Herald and News.

GOAL NO. 2 - Land Use Planning

- ☒ Complies ☐ Does not comply
☐ Complies with conditions
☐ Not applicable

Article 46
Major/Minor Partition
Section 46.003 Review Criteria

	Complies	Does not Comply	N.A.
A -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
D -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
F -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
G -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
K -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
L -	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Relevant Policies:

"Existing land uses shall be preserved from redevelopment and conflicting nearby land uses."
 Surrounding uses are a mobile home park to north, apartment buildings to east, single-family houses and individual mobile homes to south, the I-C drain and tennis courts to the west.

State Goal Issues:

The Comprehensive Plan designation for the area is Urban Residential.
 The present permissible density under the RH zone is one dwelling unit per 2,000 square feet or 52 units.
 The proposal would allow fourteen mobile homes.

GOAL NO. 3 - Agricultural Lands

☐ Complies ☐ Does not Comply

☒ Complies with conditions

☐ Not applicable

6500

Relevant Policies:

State Goal Issues:

Property is within the Klamath Falls urbanized area and is not a viable commercial farm unit. The proposed plat should be constructed to direct urban drainage away from the 1-C drain.

GOAL NO. 4 - Forest Lands

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

Property is within the Klamath Falls urbanized area and has no timber productivity rating.

GOAL NO. 5 - Open Space, Scenic and Historic Areas, and Natural Resources

6501

☐ Complies ☐ Does not Comply

☐ Complies with conditions

☒ Not applicable

Relevant Policies:

State Goal Issues:

There are no inventoried scenic, historic or natural resources in the area affected by this change.

GOAL NO. 6 - Air Water and Land Resource Quality

☒ Complies ☐ Does not Comply

☐ Complies with Conditions

☐ Not applicable

Relevant Policies:

Urban residential use shall be designated only when approved sewage disposal alternatives have been identified.

The property is served by the South Suburban Sanitary District.

State Goal Issues:

GOAL NO. 7 - Natural Disaster and Hazards Area

6502

- ☐ Complies ☐ Does Not Comply
☐ Complies with conditions
☒ Not applicable

Relevant Policies:

State Goal Issues:

Property is outside of any identified flood, fire, airport or geologic hazard area.

GOAL NO. 8 - Recreation Needs

- ☒ Complies ☐ Does Not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

State Goal Issues:

Wiard Park tennis courts adjoin the property on the west. Other recreational facilities are available at urban area schools and parks.

GOAL NO. 9 - County Economy

6503

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

State Goal Issues:

The main economic effects of this proposal would be engineering and construction expenditures and the sale and placement of fourteen mobile homes. No major long-term effects are evident.

GOAL NO. 10 - Housing

☒ Complies ☐ Does not Comply

☐ Complies with conditions

☐ Not applicable

Relevant Policies:

"Residential property shall be zoned to allow the full range of housing types and densities."

"The County shall encourage the siting and development of...mobile home subdivisions...within the county."

State Goal Issues:

"...plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon Households and allow for flexibility of housing location, type, and density."

GOAL NO. 11 - Public Facilities and Services

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

6504

Relevant Policies:

Electrical, telephone, gas, water and sewer services are available.
The property is within County Fire District No. 1, whose main station is under 1 mile away.

Altamont school is within $\frac{1}{2}$ mile and Mazama High is two blocks to the east.

State Goal Issues:

GOAL NO. 12 - Transportation

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

The property is on Hilyard Avenue, one of the main collector streets for the suburban area. Basin Transit Service operates on Summers Lane, $\frac{1}{2}$ block to the east.

State Goal Issues:

GOAL NO. 13 - Energy Conservation

- ☒ Complies ☐ Does Not Comply
☐ Complies with conditions
☐ Not applicable

6505

Relevant Policies:

State Goal Issues:

The closeness of this property to the commercial services and employment centers of the urban area would save energy used in transportation.

GOAL NO. 14 - Urbanization

- ☒ Complies ☐ Does not Comply
☐ Complies with conditions
☐ Not applicable

Relevant Policies:

When considering the development of urban land, the County shall consider (and encourage local governments to consider) the following factors:

- A. The availability of public facilities and services.
- B. Availability of sufficient land for various uses to ensure choices in the market place.
- C. The Klamath County Comprehensive Plan Goals.
- D. Encouragement of development within urban areas before conversion of urbanizable areas.

State Goal Issues:

Property is within the urbanized area of the Klamath Falls urban growth boundary.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 28 day of April A.D. 1983 at 1:40 clock P.M., and
duly recorded in Vol. M83, of 2 Deeds on Page 6495

no fee

COMMISSIONERS JOURNAL

EXHIBIT "AA", Page 7.

EVELYN BIEHN, County Clerk

Jan Lewis