

BEFORE THE HEARINGS OFFICER  
FOR KLAMATH COUNTY, OREGON

In the Matter of a	)	CLUP and ZC 1-85
COMPREHENSIVE LAND USE PLAN	)	FINDINGS OF FACT, CON-
CHANGE AND ZONE CHANGE	)	CLUSIONS OF LAW AND DECISION
for	)	
ERNEST WAYNE WEBB	)	

THIS MATTER came before the Klamath County Assistant Hearings Officer, JAMES R. UEFLINGS, on April 4th, 1985, at 1:30 p.m. in the Klamath County Commissioners Hearing Room. The Planning Department was represented by Jonathan Chudnoff and the applicant appeared in person.

Exhibits "A" through " " were offered, received into evidence and made a part of the record.

Whereupon, the Assistant Hearings Officer makes the following findings of fact, conclusions of law and decision.

FINDINGS OF FACT:

1. The subject property is located at 5308 Altamont Drive, between the Burlington Northern track and the Southside Bypass, Klamath Falls, Oregon. The legal description of the property is Lot 29, Altamont Small Farms, Klamath County, Oregon.

2. The plan designation is Urban which the applicant is requesting be changed to Industrial and the zone designation is RS which the applicant is requesting be changed to Industrial. Adjacent and/or surrounding zoning is RS and IL.

3. The physical dimensions of the property include

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 the following: dimensions of 330' x 679', consisting of 4.83  
 2 acres; the shape is rectangular; the vegetation is mostly  
 3 pasture; the topography is level and the general drainage  
 4 is surface runoff in a southerly direction.

5 4. Access to the property is provided by Altamont  
 6 Drive.

7 5. Public facilities and services to the property  
 8 include Klamath County School District, sewer by septic  
 9 system and water by the City of Klamath Falls.

10 6. Utility districts serving the property include  
 11 Pacific Power and Light, Pacific Northwest Bell and Klamath  
 12 Irrigation District. Klamath County Fire District No. 1  
 13 serves the property.

14 7. The applicant lives on the subject property and  
 15 operates an asphalt paving business. He would like to establish  
 16 an office trailer on the property and store equipment. There  
 17 are no plans for gravel or asphalt stockpiles or mixing.  
 18 The area consists of large homesites(1-10 acres). There is  
 19 heavy noise from the airport and there has been no recent  
 20 increase in residential use. Property to the north was rezoned  
 21 to IL in 1983 with no neighborhood objections.

22 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

23 1. Klamath County Development Code Section 47.003  
 24 sets forth the general criteria for consideration in a zone  
 25 change:

26 A. The change of zone is in conformance with the  
 FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

1 Comprehensive Plan and all other provisions of the Land Develop-  
2 ment Code;

3 B. The property affected by the change of zone  
4 is adequate in size and shape to facilitate those uses that  
5 are normally allowed in conjunction with such zoning;

6 C. The property affected by the proposed change  
7 of zone is properly related to streets to adequately serve the  
8 type of traffic generated by such uses that may be permitted  
9 therein; and,

10 D. The proposed change of zone will have no  
11 adverse effect on the appropriate use and development of  
12 abutting properties.

13 2. Klamath County Development Code Section 47.001  
14 sets forth the general purpose of Article 47, "Change of  
15 Zone Designation." The purpose of the zone change is to provide  
16 for revisions in response to individual land owners' needs  
17 and for zone changes required to maintain conformance with the  
18 Klamath County Comprehensive Plan.

19 3. ORS 197.175(2)(c) requires that Klamath County,  
20 before its Comprehensive Plan and Land Use Regulations have  
21 been acknowledged by the Commission, make land use decisions  
22 in compliance with the goals of LCDC.

23 4. Klamath County Development Code Section 48.003  
24 sets forth that a proposed Change of Comprehensive Plan Des-  
25 ignation shall be approved if the reviewing authority finds  
26 that:

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

A. The proposed change is in compliance with all policies of the Klamath County Comprehensive Plan; and,

B. The proposed change is in compliance with the State-wide Planning Goals; and,

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

KLAMATH COUNTY DEVELOPMENT CODE FINDINGS:

1. See Findings of Fact 1-7 as set forth above.

2. The proposed change in the Comprehensive Plan designation is in compliance with the State-wide Planning Goals.

3. The proposed change of the Comprehensive Plan designation is in conformance with all policies of the Klamath County Comprehensive Plan.

4. The proposed change in Comprehensive Plan designation is supported by specific studies or other factual information which documents the public need for the change.

5. The change of zone designation is in conformance with the Klamath County Comprehensive Plan designation as modified herein and all other provisions of the Klamath County Development Code.

6. The property affected by the zone change is adequate in size and shape to facilitate those uses as are normally allowed in conjunction with such zoning.

7. The property affected by the proposed change of zone is properly related to streets to adequately serve

1 the type of traffic generated by such uses that may be  
2 permitted therein.

3 8. The proposed change of zone will have no adverse  
4 effect upon the appropriate use and development of the  
5 abutting properties.

6 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

7 Compliance with the State-wide Planning Goals  
8 and review criteria was met by Klamath County on the subject  
9 property at the time of the acknowledgment of Klamath  
10 County's Comprehensive Plan..

11 CONCLUSION OF LAW AND DECISION:

12 1. The C.L.U.P. and zone change satisfy all  
13 applicable Klamath County Development Code criteria and  
14 policies governing such, with the inclusion of the following  
15 conditions:

16 A. The applicant shall follow his plot plan;

17 B. The applicant shall have all employees' vehicles  
18 and commercial vehicles parked at the rear portion of the  
19 property near the proposed office site so that they are not  
20 readily visible from Altamont Drive;

21 2. The C.L.U.P. and change of zone are in conformity  
22 with the Klamath County Comprehensive Land Use Plan as amended  
23 and the State-wide goals and statutes.

24 THEREFORE, it is hereby ordered that the C.L.U.P.  
25 and zone change on the subject property are granted subject  
26 to the above conditions and the plan designation is changed

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION



5694

from Urban to Industrial and the zone designation is changed  
from RS to IL.

DATED this 16 day of April, 1985.

*James R. Uerlings*  
JAMES R. UERLINGS

Return: Commissioners Journal

STATE OF OREGON,  
County of Klamath )  
Filed for record at request of

on this 19th day of April A.D. 19 85  
at 11:43 o'clock A M, and date  
recorded in Vol. M85 of Deeds  
Page 5689

EVELYN BIEHN, County Clerk  
By *[Signature]* Deputy  
Fee None

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