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BEFORE THE HEARINGS OFFICER
FOR KLAMATH COUNTY, OREGON

In the Matter of a Request for)
CONDITIONAL USE PERMIT)
for)
ERNEST WAYNE WEBB)

C.U.P. 17-85

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION

THIS MATTER came before the Assistant Hearings
Officer, JAMES R. UERLINGS, on the 4th day of April, 1985, at
1:30 p.m. in the Klamath County Commissioners Hearing Room.
The hearing was held pursuant to notice given in conformity
with the Klamath County Development Code and related ordinances.
The applicant, ERNEST WAYNE WEBB, appeared in person and the
Planning Department was represented by JONATHAN CHUDNOFF.

The following exhibits were marked, entered and
received into evidence and made a part of the record:
Exhibits "A" through "G".

The Assistant Hearings Officer, after reviewing the
evidence presented, 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.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 2. The plan designation is Urban, the zone design-
2 nation is RS and the adjacent and/or surrounding zoning is RS
3 and IL.

4 3. The physical dimensions of the property include
5 the following: dimensions of 330' x 679', consisting of 4.83
6 acres; the shape is rectangular; vegetation is mostly pasture;
7 the topography is level and the general drainage is surface
8 runoff in a southerly direction.

9 4. Access to the property is provided by Altamont
10 Drive.

11 5. Public facilities and services to the property
12 include Klamath County School District, sewer by septic system
13 and water by the City of Klamath Falls.

14 6. Utility districts serving the property include
15 Pacific Power and Light, Pacific Northwest Bell and Klamath
16 Irrigation District. Klamath County Fire District No. 1
17 serves the property.

18 7. The applicant is requesting this Conditional
19 Use Permit to allow an office trailer and an equipment shop
20 to be located in the Approach Safety Zone of the Klamath Falls
21 Airport. The trailer is 12' high and the proposed shop would
22 be under 20' in height. Both buildings are below the height
23 limit allowed at this distance from the runway (77.5'). The
24 Airport Manager and the Oregon Aeronautics Division have
25 informed the Planning Department (Exhibits "F" and "G")
26 that they do not object to the proposal. In reviewing the

1 notification requirements attached to the FAA letter (Exhibit
2 "E"), it appears that the proposed structures are exempt
3 from Federal notice requirements because they are shielded
4 by existing structures and are below the specified height limits.

5 KLAMATH COUNTY DEVELOPMENT CODE CRITERIA:

6 1. Klamath County Development Code Section 44.003
7 sets forth the criteria for consideration in the application
8 of a conditional use permit:

9 A. That the use is conditionally permitted in
10 the zone in which it is proposed.

11 B. That the location, size, design and operating
12 characteristics of the proposed uses is in conformance with
13 the Klamath County Comprehensive Plan.

14 C. That the location, size, design and operating
15 characteristics of the proposed development will be compatible
16 with, and will not adversely effect, the livability or appro-
17 priate development of abutting properties in the surrounding
18 neighborhood. Consideration shall be given to the harmony
19 in scale, bulk, and utilities; to harmful effects, if any, upon
20 desirable neighborhood character; to the generation of traffic
21 and the capacity of the surrounding streets and to other relevant
22 impact of development.

23 KLAMATH COUNTY DEVELOPMENT CODE FINDINGS AND CONCLUSIONS:

24 1. The proposed use is conditionally permitted in
25 the zone in which it is proposed.

26 2. The location, size, design and operating

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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1 characteristics of the proposed use will be compatible with,
 2 and will not adversely effect, the livability and/or appro-
 3 priate development of abutting properties in the surrounding
 4 neighborhood. In considering the location and operating
 5 characteristics of the proposed development, it appears that
 6 they will be compatible with, and will not adversely effect,
 7 the appropriate development and use of abutting properties
 8 in the surrounding neighborhood.

9 STATE-WIDE PLANNING GOALS AND REVIEW CRITERIA:

10 Compliance with the State-wide Planning Goals and
 11 review criteria was met by Klamath County on the subject
 12 property at the time of the acknowledgement of Klamath
 13 County's Comprehensive Plan.

14 CONCLUSIONS OF LAW AND DECISION:

15 1. This request for a conditional use permit on
 16 the subject property meets all applicable Klamath County
 17 Development Code criteria and policies governing such.

18 2. This request for a conditional use permit is
 19 consistent with, and complies with, all applicable State-wide
 20 Planning Goals and review criteria and the Klamath County
 21 Comprehensive Plan.

22 THEREFORE, IT IS HEREBY ORDERED that this request
 23 for a conditional use permit on the subject property is
 24 granted.

25 DATED this 16 day of April, 1985.

26 James R. Uerlings
 JAMES R. UERLINGS

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION
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STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for
 record on the 19th day of April A.D., 19 85 at 11:43 o'clock A M,
 and duly recorded in Vol M85, of Deeds on page 5695.

Return: Commissioner's Journal
 Fee: \$ None

EVELYN BIEHN, COUNTY CLERK

by: Pam Smith, Deputy