

1 In the Matter of Request for)
Comprehensive Land Use Plan and) Klamath County Planning
2 Zone Change No. 5-85 for) Findings of Fact and Order
3 William A. Mason, Applicant)
3)

4 A hearing was held on this matter on July 18, 1985, pursuant
5 to notice given in conformity with Ordinance No. 45.2, Klamath
6 County, before the Klamath County Hearings Officer, Jim Spindor.
7 The Klamath County Planning Department was represented by Jonathan
8 Chudnoff and Claudia Stine.

9 Evidence was presented on behalf of the Department and on
10 behalf of the applicant. There were no property owners present.

11 The following exhibits were offered, received, and made a
12 part of the record:

13 Klamath County Exhibit A, Staff Report

14 Klamath County Exhibit B, Plot Plan

15 Klamath County Exhibit C, Assessor's Map

16 Klamath County Exhibit D, Photos

17 Klamath County Exhibit E, Letter from Ann Janzen

18 Klamath County Exhibit F, Letter from Highway Division

19 The hearing was then closed, and based upon the evidence
20 submitted at the hearing, the Hearings Officer made the following
21 Conclusions of Law:

22 CONCLUSIONS OF LAW AS TO LAND USE PLAN CHANGE:

23 1. The proposed change is in compliance with the Statewide
24 planning goals.

25 2. The proposed change is in conformance with all policies
26 of the Klamath County Comprehensive Plan.

27 3. The proposed change is supported by factual information
28 which documents the public need for the change.

1 4. The granting of this Comprehensive Land Use Plan change
2 is consistent with the goals of the LCDC.

3 5. The granting of this change is subject to the condition
4 that the outdoor storage area shall be screened by a solid fence,
5 six feet in height. Said fence shall be completed within 60 days
6 of the date of this order, and shall be subject to inspection and
7 approval by the Klamath County Planning Department.

8 CONCLUSIONS OF LAW AS TO THE ZONE CHANGE:

9 1. The change of zone is in compliance with the Comprehensive
10 Plan, and all other provisions of the Land Development Code.

11 2. The property affected by the change of zone is adequate
12 in size and shape to facilitate those uses that are normally
13 allowed in conjunction with such zone.

14 3. The property affected by the proposed change in zone is
15 properly related to streets to adequately serve the type of traffic
16 generated by such uses that may be permitted therein.

17 4. The proposed change of zone will have no adverse affect
18 on the appropriate use and development of abutting properties,
19 so long as the condition set forth hereinbelow is followed.

20 5. The granting of this Zone Change is consistent with the
21 goals of the LCDC.

22 6. The granting of this Zone Change is subject to the condi-
23 tion that the outdoor storage area shall be screened by a solid
24 fence, six feet in height. Said fence shall be completed within
25 60 days of the date of this order, and shall be subject to inspec-
26 tion and approval by the Klamath County Planning Department.

27 FINDINGS OF FACT (FOR BOTH):

28 The granting of this Comprehensive Land Use Plan and Zone

1 Change is based on the following Findings of Fact:

2 1. The applicant owns parcels on Godowa Springs Road, across
3 from the United Methodist Church at the Beatty Community Park.
4 The south 110 feet of this property is zoned commercial and has
5 a house and garage. The remainder is in the R-1 zone and is undeveloped
6 The property is being used to repair automobiles and as a wrecking
7 yard. This zone change application is in response to a violation
8 notice, since wrecking yards are allowed only in the IH (Heavy
9 Industrial) zone. Auto parts and over 50 inoperable automobiles
10 are stored on the property. The cars have been brought in from
11 throughout the Beatty/Bly area. At the present time, there is
12 no place in Klamath County other than Klamath Falls, where such
13 vehicles may be disposed of, and they tend to be simply abandoned.

14 2. The applicant seeks to have a Plan Change from Rural and
15 Commercial to Industrial, and a Zone Change from Rural-1 to
16 Highway Commercial and Heavy Industrial. The property is approxi-
17 mately 2.27 acres in size and is rectangular in shape.

18 3. The Planning Department suggested a condition that the
19 outdoor storage area should be screened by a solid fence six feet
20 in height due to the nature of the business.

21 4. The property is in a Rural Service Center, and, therefore,
22 designated for uses other than farm or forestry.

23 5. There are no scenic, historic or natural resources on
24 or adjacent to the affected property.

25 6. As long as the property is used for auto repair, wrecking
26 or storage; air, water and land resource quality would not be
27 affected.

28 7. No natural hazards are known to affect the property sur-

1 rounding the area.

2 8. The Plan and Zone Change would not affect the need for
3 or availability of recreational facilities. Adequate screening
4 will eliminate conflicts with the park across the road.

5 9. The change would allow the existing business to expand,
6 thereby providing needed service to eastern Klamath County.

7 10. No affect on the need for or availability of housing is
8 evident.

9 11. Electrical and telephone services are available to the
10 site. This level of service is adequate for existing and proposed
11 use of the property.

12 12. The property fronts on a paved road adequate to carry
13 the traffic generated by the proposed business.

14 13. Having the repair and salvage business at this location
15 will conserve the fuel otherwise used to get the same service in
16 Klamath Falls.

17 14. No one testified in opposition to the granting of either
18 the Zone Change or the Comprehensive Land Use Plan Change, and
19 there was no evidence presented that there would be any adverse
20 affects on the appropriate use and development of the abutting
21 properties.

22 The Hearings Officer, based on the foregoing Findings of
23 Fact, accordingly orders as follows:

24 That real property described as:

25 "being generally located on the east side of Godowa
26 Springs Road, north side of Beatty, and more parti-
27 cularly described as Tax Lots 1100, 1200, 1300, and
1400, located in Government Lots 28 and 29, Section
14, Township 36, Range 12, Klamath County, Oregon,"

28 is hereby granted a Comprehensive Land Use Plan and Zone Change

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1 in accordance with the terms of the Klamath County Zoning
 2 Ordinance No. 45.2, and, henceforth, will be allowed a Plan Change
 3 from Rural and Commercial to Industrial and a Zone Change from
 4 Rural-1 to Highway Commercial and Heavy Industrial.

5 Entered at Klamath Falls, Oregon, this 5th Day of August
 6 1985.

7 KLAMATH COUNTY HEARINGS DIVISION

8 *J. S. Spindler*
 9

10 Hearings Officer

11 STATE OF OREGON: COUNTY OF KLAMATH: ss.

12 Filed for record at request of _____ the 6th day
 13 of August A.D., 19 85 at 9:25 o'clock A M., and duly recorded in Vol. M85
 14 of _____ Deeds on Page 12360

Evelyn Biehn
 By

County Clerk

[Signature]

FEE

NONE

Ret: Commissioners' Journal

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CLU? & 2C 5-85
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