

1 In the Matter of Request for)
2 Comprehensive Land Use Plan)
3 and Zone Change No. 6-85 for)
Crystal Ray, Applicant)

Klamath County Planning
Findings of Fact and Order

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, Photos
16 Klamath County Exhibit D, Explanatory Letter
17 Klamath County Exhibit E, City Planner's Comments

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

21 CONCLUSIONS OF LAW AS TO THE LAND USE PLAN CHANGE:

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

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

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

28 4. The granting of this Comprehensive Land Use Plan change

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1 is consistent with the goals of the LCDC.

2 CONCLUSIONS OF LAW AS TO THE ZONE CHANGE:

3 1. The change of zone is in conformance with the Comprehensive
4 Plan and all other provisions of the Land Development Code.

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

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

11 4. The proposed change of zone will have no affect on the
12 appropriate use and development of the abutting properties.

13 5. The granting of this Zone Change is consistent with the
14 goals of the LCDC.

15 FINDINGS OF FACT:

16 The requested Comprehensive Land Use Plan and Zone Change
17 has been granted based on the following Findings of Fact:

18 1. The applicant makes this request to change the Comprehen-
19 sive Land Use designation from Urban Residential to General Commer-
20 cial and a change of zone from Suburban Residential to Neighborhood
21 Commercial.

22 2. The property in question is irregular in shape being approxi-
23 mately 1.9 acres in size.

24 3. The property consists of a small parcel at 3630 Homedale
25 Road. A small block building on the property was originally
26 built as a store, but in recent years has been used as a house.
27 A Zone Change to Neighborhood Commercial is being proposed in
28 order to allow an accounting tax service, which is now located

1 on South Sixth Street, Klamath Falls, Oregon.

2 4. The building and parcel are oriented to Homedale Road,
3 a major collector street for the suburban area. Development of
4 the property for commercial purposes would not add noise or traf-
5 fic to the surrounding residential area.

6 5. The property is in the Klamath Falls urbanized area.
7 Neither farm land nor forest land would be affected by this pro-
8 posal.

9 6. There are no scenic, historic or natural resources on
10 or adjacent to this site.

11 7. Conversion of this house into an office would not affect
12 the air, water or land resource quality.

13 8. The proposed rezoning would allow an established firm
14 to expand its service by moving from rented to owned quarters.

15 9. Water, sewer, electrical, telephone and gas services are
16 installed to the property.

17 10. The residence is properly situated with regard to Homedale
18 Road and the left turn lane on Homedale is adequate to handle
19 the small amount of traffic which may be generated by the proposed
20 business. The number of off-street parking spaces meets the
21 requirement of the Land Development Code.

22 11. Goals 7, 8, and 10 are not applicable.

23 12. No one testified in opposition to either the Zone Change
24 or the Comprehensive Land Use Plan change, and there was no evi-
25 dence presented that there would be any adverse affects on the
26 appropriate development of the abutting properties.

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

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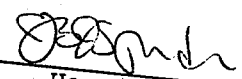
That real property described as:

"being generally located at 3630 Homedale Road, and more particularly described as Tax Lot 500, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 39, Range 9, Klamath County, Oregon,"

is hereby granted a Comprehensive Land Use Plan and Zone Change in accordance with the terms of the Klamath County Zoning Ordinance No. 45.2, and, henceforth, will be allowed a Plan Change from Urban Residential to General Commercial and a Zone Change from Suburban Residential to Neighborhood Commercial.

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

KLAMATH COUNTY HEARINGS DIVISION

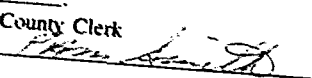


Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of August A.D., 19 85 at 9:25 o'clock A M., and duly recorded in Vol. M85
of Deeds on Page 12365

FEE NONE
Ret: Commissioners' Journal

By Evelyn Biehn County Clerk


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