

BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

In the Matter of the Request for)
Comprehensive Land Use Plan and)
Zone Change 4-85 for Walter)
Petersen, Applicant,)
_____)

Amendment to Hearings
Officer Order Dated July 16, 1985.

A hearing was held on June 20, 1985, and on the 16th day of July, 1985, an Order was issued. Subsequently applicant requested reconsideration of a portion of the hearings officers findings of fact and conclusions. The hearings officer having reviewed the record and findings of fact contained therein does hereby amend the findings of fact and conclusions of law in the following particulars:

1. As to the conclusions to law and the comprehensive land use land change, the hearings officer amends paragraph 8 to read as follows:

As to Goal 12, Transportation, the hearings officer concludes that regular and through access across the subject property such that vehicles could travel uninterrupted from South Sixth Street onto Miller Avenue would adversely affect traffic. For this reason, the hearings officer concludes that the property shall be appropriately fenced and appropriately gated either (1) along the rear and sides of the subject property, if used for commercial use unrelated to the abutting property on Sixth Street; or (2) along the frontage with Miller Avenue if the use of the subject property is related to property fronting on South Sixth Street.

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As to Zone Change, paragraph 2 shall be amended to read:

Miller Avenue is adequate in size to carry the type of traffic generated by accepted commercial uses provided that the property not be used as a source of crossing from Miller Avenue to South Sixth Street on a regular basis.

Therefore the hearings officer concludes that as a condition to approval of the comprehensive land use and zone change that the applicant shall fence and gate the subject property either along the rear of the property or along the front of the property depending upon whether the use of the subject property is incidental to the use of other commercial property on South Sixth Street or constitutes and independent use of which private access will be gained from Miller Avenue.

As to conclusions of law and decision paragraphs 1A and 1B shall read as follows:

The contents of land use plan and zone change satisfy all applicable Klamath County Development criteria and policies, subject to inclusion of the following conditions:

a. The applicant shall erect a fence along the side and rear of the subject property to minimize through access from South Sixth Street, if the property is in fact developed for use independent of abutting properties, which property's primary access is from South Sixth Street; or

b. The applicant shall be required to fence and gate the front of the subject property if the land is developed for a use incident to properties fronting on South Sixth Street so as to

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minimize vehicular travel. Applicant may install one or more gates within the subject fence with the understanding that they are to remain closed to limit and discourage through traffic.

DATED this 20 day of August, 1985

HEARINGS OFFICER

by: Bradford J. Aspell
BRADFORD J. ASPELL

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 23rd day
of August A.D., 19 85 at 3:28 o'clock P M., and duly recorded in Vol. M85
of _____ Deeds on Page 13424

Evelyn Biehn, County Clerk
By Pam Smith

FEE NONE

Ret: Commissioners Journal