

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Change of Land Use Plan and) Klamath County Planning
Zone Change 8-85 for Rigo-Webb) Findings of Fact and Order
Properties)

A hearing was held on this matter on February 6, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Brad Aspell. The applicant was represented by Barry A. Rigo. The Klamath County Planning Department was represented by Kim Lundahl. The Hearings Reporter was Janet Libercajt.

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

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

- Klamath County Exhibit A, Staff Report
- Klamath County Exhibit B, Plot Plan
- Klamath County Exhibit C, Assessor's Map

The hearing was then closed, and based upon the evidence submitted at the hearing, the Hearings Officer made the following Findings of Fact:

FINDINGS OF FACT:

1. Applicant's, Barry A. Rigo and Wayne Webb are the owners of the subject property designated as 5506 Altamont Drive, Klamath Falls, Oregon, more particularly known as Lot 27,

1 Block 15, Altamont Small Farms, all located in Section 15,
2 Township 39 South, Range 9 East Willamette Meridian, Klamath
3 County, Oregon, Tax Account No. 3909-15CA-800. The subject
4 property is on the west side of Altamont Drive between the
5 railroad crossing and the Southside Bypass. The property is
6 designated Urban in the Klamath County Comprehensive Land Use
7 Plan and carries a zoning designation of RS (Suburban
8 Residential). The property is rectangular with dimensions of
9 330 feet by 675 feet, its width bordering Altamont Drive. In
10 the northwest corner is a single family residence. The property
11 is bisected by an irrigation ditch running north and south. The
12 topography is generally level with drainage being sheet flow
13 drainage to the southeast. Applicant testified that the property
14 has a very high water table. The property was previously
15 utilized as pasture but has not been in agricultural use for
16 some time. The subject property consists of 5.14 acres, ad-
17 joining properties to the north are of similar size and the ones
18 to the south 2.04 and 3.09 acres respectively. The southwest
19 corner of the property is approximately 500 feet from the
20 intersection of Altamont Drive and the Bypass and is the landing
21 approach of the main active runway at Kingsley Field.
22

23 2. Applicant seeks a Change in Land Use Plan from Urban
24 to Industrial and a Zone Change from Suburban Residential
25 to Light Industrial. The Hearings Officer takes official notice
26 that another application for a Change in Land Use Plan and Zone
27 Change is pending on adjoining properties. Due to the high
28 water table and noise in the area due to the airport, the area
generally consists of vacant properties and rural residential
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1 homesites many, especially along the Bypass, being in dilapidated
2 condition. Access to the property is gained from Altamont Drive.
3 Water is provided by the City of Klamath Falls; sewer by
4 individual septic tanks. Fire protection is provided by
5 Klamath County Fire District No. 1, with utilities being pro-
6 vided by Pacific Power & Light (electricity) and Pacific
7 Northwest Bell (telephone). No information is available as to
8 natural gas. The property lies within the attendance boundaries
9 of Klamath County School District.

10 3. No timbersite productivity nor soil classification
11 ratings are available for the property.

12 4. Klamath County Planning Department Staff recommends
13 approval of this application based in part upon the following
14 recommendations:

15 A. A Change in Land Use Plan and Zone Change was
16 previously approved April 4, 1985, for property 350 feet
17 north of that covered by this application, and another one
18 is pending.

19 B. That the application continues the logical pro-
20 gression of industrial zoning/use in an area of heavy noise
21 impact from Kingsley Field in that the westerly 1/3 of the
22 property is overlayed by the "Approach Safety Zone" from
23 Kingsley Field, which discourages residential use and
24 development.

25 C. The property has a high water table.

26 5. Applicable provisions for review consist of Klamath
27 County Land Development Code, Section 48.003 (Change of
28 Comprehensive Plan Designation), Section 47.003 (Change of Zone

1 Designation), Section 94.001 (Industrial Use), Section 51.015
2 (Light Industrial Zone), together with the goals of the Land
3 Conservation and Development Commission.

4 6. In regard to the goals of the Land Conservation and
5 Development Commission, the Hearings Officer finds as follows:

6 Goal 1 (Citizen Involvement) has been met in that public
7 notice has been mailed to adjacent property owners, concerned
8 public agencies and published in the Herald and News. A public
9 hearing has been held to take comments and input in which no
10 adverse testimony was received.

11 Goal 2 (Land Use Planning) has likewise been met. The
12 proposed changes are consistent with trends in the area in which
13 residential uses are changing to commercial and industrial.

14 Goal 3 (Agricultural Lands), Goal 4 (Forest Lands),
15 Goal 5 (Open Spaces, Scenic, Historic & Natural Resources Areas)
16 do not apply to this application.

17 Goal 6 (Air, Water and Land Resource Quality) will be met
18 as potable water will be provided by the City of Klamath Falls
19 Water Department. Sewage Disposal shall be through subsurface
20 septic tank installed and maintained under the rules of the
21 Department of Environmental Quality. Further, industrial
22 activities which are noise generating, will be concentrated in
23 areas near Kingsley Field where existing noise levels are
24 already high.

25 Goal 7 (Natural Disasters and Hazards), Goal 8 (Recreation
26 Needs) do not apply to this application.

27 Goal 9 (County Economy) will be met in that additional land
28 designated industrial will be concentrated near an existing

1 industrial area, Kingsley Field.

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2 Goal 10 (Housing) The subject area is not readily suited
3 for housing due to current sparse development, unusually large
4 lots, lack of secondary feeder streets, heavy traffic on the
5 Southside Bypass and Altamont Drive, extensive airport noise, a
6 high water table and lack of available sewer service.

7 Goal 11 (Public Facilities and Services) Water, electricity,
8 telephone, water service and fire protection are available to
9 the subject property at a level of service compatible with
10 industrial needs.

11 Goal 12 (Transportation) has been met as Altamont Drive is
12 a sufficient collect street for industrial and truck traffic.
13 The property is in close approximation to the Southside Bypass,
14 a major arterial under development.

15 Goal 13 (Energy Conservation) has been met as the proposed
16 development will concentrate industrial uses in an area presently
17 under expansion for industrial uses close to major collectors
18 and public highways.

19 Goal 14 (Urbanization) has been met. The property is
20 located within the Urban Growth Boundaries of Klamath Falls.

21 No other Statewide goals are available.

22 CONCLUSIONS OF LAW:

23 1. The change of Comprehensive Plan is in conformance with
24 the goals of the Land Conservation and Development Commission,
25 and is consistent with documented needs and trends in the area.

26 2. The Change of Zone is in conformance with the
27 Comprehensive Plan, and all other provisions of the Land
28 Development Code.

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3. The property affected by the Change of Zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.

4. The proposed change is supported by factual information for that change.

5. The property affected by the proposed Change of Zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.

6. The proposed Change of Zone will have no adverse effect on the appropriate use and development of abutting properties. The Hearings Officer, based on the foregoing, accordingly orders as follows:

That real property described as

"Being generally located west of Altamont Drive, 1/4 mile north of Southside Bypass, and more particularly described as Lot 27, Altamont Small Farms, Klamath County, Oregon,"

is hereby granted a Change in 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 Change of Zone from RS (Suburban Residential) to CG (General Commercial) and a Change in Land Use Plan from Urban to Industrial.

Entered at Klamath Falls, Oregon, this 30 Day of April, 1986.

KLAMATH COUNTY HEARINGS DIVISION

Bradford J. Aspell
Bradford J. Aspell
Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH ss.

Filed for record at request of May

A.D. 19 86 at 4:32 o'clock P.M. and duly recorded in Vol. 1st day of Deeds on Page 7577

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn County Clerk