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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Comprehensive Land Use Plan and) Klamath County Planning
Zone Change 5-86 for Melba D.) Findings of Fact and Order
Windsor and Ronald L. Merman)

A hearing was held on this matter on May 1, 1986, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicant was present. 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
Klamath County Exhibit D, Pictures

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

CONCLUSIONS OF LAW AS TO LAND USE PLAN CHANGE:

1. The proposed change is in compliance with the statewide planning goals.
2. The proposed change is in conformance with all policies

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1 of the Klamath County Comprehensive Plan.

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

4 4. The granting of this requested Land Use Plan Change is
5 in conformance with the goals of the L.C.D.C.

6 CONCLUSIONS OF LAW AS TO THE ZONE CHANGE:

7 1. The Change of Zone is in compliance with the Compre-
8 hensive Plan, and all other provisions of the Land Development
9 Code.

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

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

16 4. The proposed Change of Zone will have no adverse affect
17 on the appropriate use and development of abutting properties,
18 so long as the conditions set forth hereinbelow are followed.

19 5. The granting of this Zone Change is consistent with the
20 goals of the L.C.D.C.

21 CONDITIONS WHICH APPLY TO BOTH THE COMPREHENSIVE LAND USE PLAN
22 CHANGE AND THE ZONE CHANGE:

23 1. The use of this property shall be limited to a mini-
24 warehouse and RV parking facility.

25 2. The applicant shall follow the plot plan submitted
26 herein as Exhibit "B".

27 3. The applicant shall obtain site plan approval by the
28 Planning Department prior to use of the property.

1 4. There shall be no RV dumping on the premises, only
2 storage.

3 5. The property shall be enclosed by a chain link fence and
4 shall be appropriately landscaped.

5 FINDINGS OF FACT (FOR BOTH):

6 The granting of this Comprehensive Land Use Plan and Zone
7 Change is based on the following Findings of Fact:

8 1. This request is to change the land use designation
9 from Residential to Commercial and zoning from Medium-Density
10 Residential to General Commercial. The 2.4 acre site is located
11 north of Hilyard Street, approximately 500 feet west of Summers
12 Lane. The goal of the applicant is to construct a secured mini-
13 warehouse and RV parking facility.

14 2. Adjacent land use includes apartments, mobile home park,
15 and a recreational park.

16 3. Notice of this hearing was sent to surrounding property
17 owners, to concerned public agencies and published in the Herald
18 and News, the Klamath Falls newspaper.

19 4. The applicant states that there is a strong market for
20 this type of facility and a "soft" market for additional apartment
21 or duplex rentals. The Department has not received adverse
22 comment from adjacent property owners or concerned agencies.

23 5. No one testified in opposition to the granting of this
24 permit, and no evidence was presented that there would be any
25 adverse affect to the abutting property or surrounding area by
26 the granting of this permit.

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

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1 "That real property described as

2 "Being generally located north of Hilyard Avenue, east of
3 USBR 1-C Drain, and more particularly described as a
4 Portion of the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 3, Township 39, Range 9,
Klamath County, Oregon,"

5 is hereby conditionally granted a Comprehensive Land Use Plan and
6 Zone Change in accordance with the terms of the Klamath County
7 Zoning Ordinance No. 45.2, and, henceforth, will be allowed a
8 Change in Land Use Plan from Residential to Commercial and a
9 Zone Change from Medium-Density Residential to General Commercial.

10 Entered at Klamath Falls, Oregon, this 3rd Day of
11 July, 1986.

12 KLAMATH COUNTY HEARINGS DIVISION

13 
14 Jim Spindor, Hearings Officer

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 7th day
of July A.D., 19 86 at 12:32 o'clock P M., and duly recorded in Vol. M86,
of Deeds on Page 11848.

FEE NONE

Return: Commissioner's Journal

Evelyn Biehn, County Clerk
By 

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