

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for)
4 Conditional Use Permit 28-86 for) Klamath County Planning
5 Murl Metz) Findings of Fact and Order

6 A hearing was held on this matter on June 19 and June 25,
7 1986, pursuant to notice given in conformity with Ordinance
8 No. 45.2, Klamath County, before the Klamath County Hearings
9 Officer, Jim Spindor. The applicant was present. The Klamath
10 County Planning Department was represented by Kim Lundahl. The
11 Hearings Reporter was Janet Libercajt.

12 Evidence was presented on behalf of the applicant and on
13 behalf of the Department. There were adjacent property owners
14 present.

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

17 Klamath County Exhibit A, Staff Report
18 Klamath County Exhibit B, Plot Plan
19 Klamath County Exhibit C, Assessor's Map
20 Klamath County Exhibit D, Memorandum from Health Department
21 Klamath County Exhibit E, Photos
22 Klamath County Exhibit F, Letter from City of Klamath Falls
23 Klamath County Exhibit G, Card and Pictures

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

27 CONCLUSIONS OF LAW:

28 1. The proposed use is conditionally permitted in the zone

11 JUL 8 AM 11 51

1 within which it is proposed to be located.

2 2. The location, size, design, and operating characteristics
3 of the proposed use are in conformance with the Klamath County
4 Comprehensive Plan.

5 3. The location, size, design, and operating characteristics
6 of the proposed use will be compatible with and will not have a
7 significant adverse affect on the appropriate development and
8 use of abutting property and the surrounding neighborhood.

9 4. The granting of this Conditional Use Permit is consistent
10 with the goals of the L.C.D.C.

11 5. This Conditional Use Permit is granted subject to the
12 following conditions:

13 a. The applicant shall comply with the requirements of
14 the Klamath County Department of Health Services with
15 regard to sewage disposal.

16 b. The applicant shall follow the Plot Plan submitted
17 herein as Exhibit "B".

18 FINDINGS OF FACT:

19 The requested use has been granted with conditions based on
20 the following Findings of Fact:

21 1. This request is for a Conditional Use Permit to locate
22 three single family residences on property zoned RH (High Density
23 Residential). The property is located at the northeast corner
24 of Beverly Drive and Ladd Avenue.

25 2. The property is approximately 2.6 acres. Lots 1 and 2
26 are triangular in shape, and lot 3 is rectangular.

27 3. Notice of this hearing was sent to the surrounding
28 property owners, to concerned public agencies, and published in
C.U.P. 28-86/Metz
Page 2

1 the Herald and News, the Klamath Falls newspaper.

2 4. Existing development in this area is scattered and is
3 purely single family. High Density use is absent, in spite of
4 the high density zoning. The homes proposed by Mr. Metz all
5 face to the east and will be quite spacious. Site photos
6 (Exhibit E herein) indicate large lot rural development is the
7 theme in Beverly Heights, and the Staff feels an approved permit
8 will perpetuate this atmosphere.

9 5. Mr. and Mrs. Sullivan, who reside immediately above the
10 property in question, on Ladd Avenue, appeared and objected to
11 the granting of this permit, stating that if it is allowed a
12 residence will be built so as to destroy the view from their
13 residence. The Sullivans stated they had paid extra money for
14 their lot, because of the view, and that their property would
15 be greatly devalued if the view is lost. The Hearings Officer
16 visited the site and it is true that the granting of this permit
17 will affect the Sullivans' view. However, due to the fact that
18 the property is in the RH (High Density Residential) zone and
19 the applicant could place an apartment thereon, which would be
20 much more adverse to the Sullivans in terms of blocking their
21 view and adding many more people to the area, the granting of
22 this permit will not cause adverse affects to the abutting
23 property or the surrounding area. The Hearings Officer believes
24 that the term "adverse affect" must be determined in light of
25 the existing zone. Finally, the Sullivans indicated that they
26 purchased their lot after the RH (High Density Residential) zone
27 had been established.

28 C.U.P. 28-86/Metz
Page 3

11954

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

3 That real property described as

4 "Being generally located on the northeast corner of
5 Beverly Drive and Ladd Avenue, and more particularly
6 described as Lots 1, 2, and 3; Block 4; Beverly Heights,
7 Klamath County, Oregon,"

8 is hereby conditionally granted a Conditional Use Permit in
9 accordance with the terms of the Klamath County Zoning Ordinance
10 No. 45.2, and, henceforth, will be allowed to construct three
11 single family residences in the RH (High Density Residential)
12 zone.

13 Entered at Klamath Falls, Oregon, this 7th Day of
14 July, 1986.

15 KLAMATH COUNTY HEARINGS DIVISION

16 Jim Spindor
17 Jim Spindor, Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July A.D., 19 86 at 11:51 o'clock A M., and duly recorded in Vol. M86
of Deeds on Page 11951

FEE None

Evelyn Diehn
By Deemetha A. Hetch County Clerk

24
25 COMMISSIONERS JOURNAL
26
27
28

C.U.P. 28-86/Metz
Page 4