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BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

Vol. 1786 Page 12005

1 In the Matter of Request for)
2 Conditional Use Permit 14-86)
3 for Esther L. Cogar-Miller)

Klamath County Planning
Findings of Fact and Order

4 A hearing was held on this matter on May 1, 1986, and con-
5 tinued to June 19, 1986, pursuant to notice given in conformity
6 with Ordinance No. 45.2, Klamath County, before the Klamath County
7 Hearings Officer, Jim Spindor. The applicant was represented
8 by John Cogar. The Klamath County Planning Department was repre-
9 sented by Kim Lundahl. The Hearings Reporter was Janet Libercajt.
10 Evidence was presented on behalf of the Department and on
11 behalf of the applicant. There were no adjacent property owners
12 present.

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

15 Klamath County Exhibit A, Staff Report
16 Klamath County Exhibit B, Plot Plan
17 Klamath County Exhibit C, Assessor's Map
18 Klamath County Exhibit D, Note from James Stilwell
19 Klamath County Exhibit E, Letter from City of Klamath Falls
20 Klamath County Exhibit F, Memo from Public Works Dept.

21 The hearing was then closed, and based upon the evidence
22 submitted at the hearing, the Hearings Officer made the follow-
23 ing Conclusions of Law:

24 CONCLUSIONS OF LAW:

- 25 1. The proposed use is conditionally permitted in the zone
26 within which it is proposed to be located.
27 2. The location, size, design and operating characteristics
28 of the proposed use are in conformance with the Klamath County

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1 Comprehensive Plan.

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

6 4. The granting of this Conditional Use Permit is consistent
7 with the goals of the LCDC.

8 5. This Conditional Use Permit is granted based on the
9 following conditions:

10 CONDITIONS:

11 a. The applicant shall use the plot plan set forth on
12 Exhibit "B" herein, except as modified hereinbelow.

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

16 c. There shall be no access either to or from the property
17 onto the Southside By-pass.

18 d. The access onto Altamont Drive shall not be in excess
19 of 40 feet and shall be approved in writing by the Klamath County
20 Department of Public Works.

21 FINDINGS OF FACT:

22 The requested use has been granted with conditions based
23 on the following findings of fact:

24 1. This request is for a Conditional Use Permit for commer-
25 cial development in the approach safety zone of Kingsley Field.

26 2. Due to the Kingsley Field approach safety zone overlay,
27 residential development in this area has been curtailed and
28 alternative uses are being established.

1 3. The commercial uses designated are permitted in the
2 general commercial zone; however, any development in the approach
3 safety zone requires a conditional use permit approval.

4 4. The property is on the northeast corner of the Southside
5 By-pass and Altamont Drive, being approximately 3.1 acres in size
6 and rectangular in shape. The surrounding area is sparsely
7 developed for residential use. Heavy airport noise, a high water
8 table, and lack of sewer service make the area less attractive
9 for greater residential development.

10 5. The applicant requests to develop a mobile home sales-
11 yard and a mini-store. The applicant states there is clearly
12 a need for such businesses in this area of Klamath County. The
13 closest competing store will be up Altamont Drive. The location
14 of the property on the Southside By-pass makes it a desirable
15 location for a mobile home sales lot.

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

19 7. Two recent cases, CLUP 1-85 and CLUP 8-85, requested
20 change from RS to IL for properties to the north of the subject
21 property along Altamont Drive. These requests were granted.

22 8. The applicant requested access to and from the Southside
23 By-pass, or at least egress from the property onto the By-pass.
24 This was objected to by Earl Kessler of the Klamath County Public
25 Works Department, who stated the By-pass was specifically designed
26 not to be used for access, especially at this point so close to
27 Altamont Drive. Mr. Kessler testified that the By-pass is heavily
28 travelled, with a speed limit of 55 mph. Mr. Kessler stated that

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1 he did not believe either signs or turn lanes could safely allow
2 access either to or from the property to the By-pass.

3 9. No one testified in opposition to the granting of this
4 request, and no evidence was presented that there would be any
5 adverse affects to the abutting property or surrounding area by
6 the granting of this request.

7 The Hearings Officer, based on the foregoing Findings of
8 Fact, accordingly orders as follows:
9 That real property described as

10 "being generally located at the northeast corner of
11 the Southside By-pass and Altamont Drive, and more
12 particularly described as Lot 45, Altamont Small Farms,
13 Tax Account No. 3909-15D-1600, Klamath County, Oregon,"

14 is hereby granted a Conditional Use Permit with conditions in
15 accordance with the terms of the Klamath County Zoning Ordinance
16 No. 45.2, and, henceforth, will be allowed to have commercial
17 development in the Approach Safety Zone of Kingsley Field.

18 Entered at Klamath Falls, Oregon, this 8th Day of July,
19 1986.

20
21
22 KLAMATH COUNTY HEARINGS DIVISION

JES mch

Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July

A.D., 19 86 at 9:34 o'clock A.M., and duly recorded in Vol. 12005 day
of Deeds on Page 12005

FEE No Fee

COMMISSIONERS JOURNAL

By Evelyn Biehn County Clerk
Bernetha St. John

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