

BEFORE THE HEARINGS OFFICER

63480

KLAMATH COUNTY, OREGON

Vol. 1786 Page 12009

1 In the Matter of Request for )  
2 Comprehensive Land Use Plan and )  
3 Zone Change 4-86 for Esther L. )  
Cogar-Miller, Applicant )

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, Letter from James Stilwell  
19 Klamath County Exhibit E, Letter from County Health Dept.  
20 Klamath County Exhibit F, Copy of Letter from City of  
21 Klamath Falls  
22 Klamath County Exhibit G, Pictures  
23 Klamath County Exhibit H, Letter from Public Works  
24 Klamath County Exhibit I, Memo from Public Works

25 The hearing was then closed, and based upon the evidence  
26 submitted at the hearing, the Hearings Officer made the follow-  
27 ing Conclusions of Law:

28 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 of the Klamath County Comprehensive Plan.
3. The proposed change is supported by factual information which documents the public need for the change.
4. The proposed change is consistent with the goals of the LCDC.

CONCLUSIONS OF LAW AS TO ZONE CHANGE REQUEST:

1. The change of zone is in compliance with the Comprehensive Plan and all other provisions of the Land Development Code.
2. 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 zone.
3. The property affected by the proposed change in zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
4. The proposed change of zone will have no adverse affect on the appropriate use and development of abutting properties.
5. The proposed change is consistent with the goals of the LCDC.

FINDINGS OF FACT:

This request has been granted based on the following findings of fact:

1. This request is for a change in the Comprehensive Land Use Plan designation from residential to commercial and a change of zone from suburban residential to general commercial.
2. Due to the Kingsley Field approach safety zone overlay,

1 residential development in this area has been curtailed and  
2 alternative uses are being established.

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

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

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

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

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

24 8. The applicant requested access to and from the Southside  
25 By-pass, or at least egress from the property onto the By-pass.  
26 This was objected to by Earl Kessler of the Klamath County Public  
27 Works Department, who stated the By-pass was specifically designed  
28 not to be used for access, especially at this point so close to

1 Altamont Drive. Mr. Kessler testified that the By-pass is heavily  
 2 travelled, with a speed limit of 55 mph. Mr. Kessler stated that  
 3 he did not believe either signs or turn lanes could safely allow  
 4 access either to or from the property to the By-pass.

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

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

11 That real property described as

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

15 is hereby granted a Comprehensive Land Use Plan change from  
 16 Residential to Commercial and a Zone Change from Suburban Resi-  
 17 dential to General Commercial, in accordance with the terms  
 18 of the Klamath County Zoning Ordinance No. 45.2.

19 Entered at Klamath Falls, Oregon, this 8<sup>th</sup> Day of July  
 20 1986.

KLAMATH COUNTY HEARINGS DIVISION

JB Sprich

Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 9th day  
 of July A.D., 19 86 at 9:34 o'clock A M., and duly recorded in Vol. M86  
 of Deeds on Page 12009

FEE No Fee

Evelyn Biehn County Clerk  
 By Bernetha Deloch