

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 787 Page 1887

71107  
1 In the Matter of Request for )  
2 Comprehensive Land Use Plan and )  
3 Zone Change 14-86 for Velva Martin)

Klamath County Planning  
Findings of Fact and Order

4 A hearing was held on this matter on September 18, 1986, and  
5 October 2, 1986; pursuant to notice given in conformity with  
6 Ordinance No. 45.2, Klamath County, before the Klamath County  
7 Hearings Officer, Jim Spindor. The applicant was present. The  
8 Klamath County Planning Department was represented by Kim Lundahl.  
9 The Hearings Reporter was Janet Libercajt.

10 Evidence was presented on behalf of the Department and on  
11 behalf of the applicant. There were 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, Photographs
- 19 Klamath County Exhibit E, Letter from Public Works Dept.
- 20 Klamath County Exhibit F, Plot Plan 2
- 21 Klamath County Exhibit G, Petition in Objection
- 22 Klamath County Exhibit H, Property Owners List from Applicant
- 23 Klamath County Exhibit I, Letter from City Planning Dept.
- 24 Klamath County Exhibit J, Letter from Michel

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

28 CONCLUSIONS OF LAW - LAND USE PLAN CHANGE:

'87 FEB 5 PM 12 51

1 1. The proposed Comprehensive Land Use Plan Change is not  
2 supported by factual information which documents the need for the  
3 change.

4 CONCLUSIONS OF LAW - ZONE CHANGE:

5 1. The proposed change of zone will have <sup>AW</sup> ~~no~~ <sup>48</sup> adverse affect  
6 on the appropriate use and development of abutting properties.

7 FINDINGS OF FACT (BOTH REQUESTS):

8 The above mentioned requests have been denied based on the  
9 following Findings of Fact:

10 1. This is a request for a land use change from Residential  
11 to Commercial, and a zone change from High Density Residential to  
12 General Commercial, to facilitate the construction of self-storage  
13 mini-warehouses.

14 2. The property is located on the northwest corner of Alva  
15 Avenue and Burns Street; the property is rectangular in shape,  
16 being approximately 1.18 acres.

17 3. The Hearings Officer viewed the property prior to the  
18 final hearing.

19 4. Notice of this hearing was sent to the surrounding prop-  
20 erty owners, to concerned public agencies, and published in the  
21 Herald and News, the Klamath Falls newspaper.

22 5. The applicant presented evidence of need for more self-  
23 storage mini-warehouses in Klamath County, and no evidence was  
24 presented to the contrary. However, no evidence was presented  
25 showing a need for this particular property to be used for this  
26 purpose. In fact, the property is located in the middle of a  
27 residential district between Shasta Way and the Klamath County  
28 Fairgrounds which has no commercial uses other than residential

1 (a mobile home park).

2 6. The applicant agreed that from time to time large trucks  
3 would enter the area to deliver or pick up property. At this  
4 point Alva Avenue is an unpaved road, and there was testimony  
5 that heavier traffic on this road would cause a dust problem in  
6 addition to any traffic problem.

7 7. The applicant stated that she could use the property as  
8 zoned for an apartment complex, and that such a use would be more  
9 adverse than the request which she is now making; however, after  
10 viewing the property in question, this argument is not accepted  
11 and it is found that use of this area for mini-warehouses would  
12 change the nature of the neighborhood and would adversely affect  
13 the residences in the area.

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

16 That real property described as

17 "being generally located on the northwest corner of  
18 Alva Avenue and Burns Street, and more particularly  
19 described as Lot 4, Block A, Homecrest Tract, Tax  
Account No. 3909-3AB-1500, Klamath County, Oregon,"

20 is hereby denied a Comprehensive Land Use Plan and Zone Change,  
21 and henceforth, will not be allowed a change in land use plan from  
22 Residential to Commercial nor a zone change from High Density  
23 Residential to General Commercial.

24 Entered at Klamath Falls, Oregon, this 24<sup>th</sup> Day of December  
25 1986.

26 KLAMATH COUNTY HEARINGS DIVISION

27 Filed with  
28 Clerk: 2-5-87

James Spindor  
James Spindor, Hearings Officer

CLUP & ZC 14-86  
Page 3

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of \_\_\_\_\_ the 5th day  
of February A.D., 19 87 at 12:51 o'clock P M., and duly recorded in Vol. M87  
of Deeds on Page 1887.

FEE \$None

Evelyn Biehn County Clerk  
By Bernetha A. Helrich

Return to: Commissioners Journal