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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for)
a Variance for NED PUTNAM) VARIANCE NO. 12-87
ORDER CONCERNING
LANDSCAPE PLAN

ORDER CONCERNING LANDSCAPE PLAN:

By Order dated August 12, 1987, William M. Ganong, Klamath County Hearings Officer, approved a Variance for Ned Putnam in the above entitled matter subject to the Applicant complying with several requirements contained in said Order.

During the Hearing concerning this matter held by the Hearings Officer on July 16, 1987, the Applicant agreed under oath to provide and comply with whatever landscaping, screening, pavement and other improvements the Hearings Officer may require. Had the Applicant not made said agreement, the Hearings Officer would have found that the application for Variance did not comply with the plot plan requirements of Klamath County Land Development Code Section 41.005. In particular, the plot plan submitted by the Applicant did not include the following elements:

- a. Corner elevations of primary structures and direction of surface water flows onto, through, and off the property including the location of existing or proposed drainage carriers or facilities affecting the proposed plot plan involved;
- b. Landscaping as required by Article 65 of the Code;
- c. Parking areas as required by Article 68 of the Code, including parking and loading areas; and
- d. Vehicular access and circulation as required by Article 71 of the Code.

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The application, therefore, would have been denied as not containing the information required by the Code.

In addressing the criteria for granting of the Variance contained in Klamath County Land Development Code Section 43.003, the Order at page 12 discusses the final criteria required in reviewing a Variance which is:

"That the granting of the Variance will not be detrimental to the public, health, safety and welfare or to the use and enjoyment of adjacent properties and will not be contrary to the intent of this code."

Said Order found in addressing said criteria that the existing use of the property is very detrimental to the use and enjoyment of the other nearby property. The Order found that the addition of the warehouse, which is the subject of the Variance application, would further impose an additional negative visual impact on the adjacent neighborhood. However, the Order provides that if the messy condition of the property is cleaned up and is properly landscaped, paved and screened, then in the judgment of the Hearings Officer, the mitigation of the existing impacts as exacerbated by the addition of the warehouse would be mitigated. Therefore, based on the agreement of the Applicant to comply with the requirements for landscaping, screening, paving, parking and drainage Ordered by the Hearings Officer, the Hearings Officer granted the subject application.

Thereafter, the Applicant filed a landscaping plan, and on September 3, 1987, the Hearings Officer met with the Applicant, his attorney and architect, and with three of the neighboring landowners.

The above referenced Order provided that the Applicant must submit a plot plan which complies with Article 41 of the Land Development Code. The Order specifically provided that the Plot Plan shall provide a visually attractive fence or screen in lieu of the existing chain link fence along the front border of the property; that it provide a complete plan for landscaping the front yard area between the proposed warehouse addition and the fence; and that it provide landscaping along the entire south side of the existing warehouse in addition. Further, the plot plan was to provide parking required by the Klamath County Land Development Code and drainage structures sufficient to insure that no drainage from the subject property will flow onto adjacent lands or into adjacent irrigation ditches or structures.

At the meeting on September 3, the Hearings Officer reviewed the Applicant's plot plan and received testimony from the Applicant, his attorney, his architect, and from the three nearby landowners.

The plan submitted by the Applicant fails to comply with the provisions of the Order described above in each of the following particulars:

1. It does not provide for landscaping of the entire area between the proposed warehouse addition and the fence. Rather, the plan submitted provides that the majority of that area will be paved and will be used for parking truck trailers;

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2. It does not provide for landscaping along the entire southerly boundary of the subject property as required by the Order;

3. It does not contain traffic circulation patterns required by the Land Development Code; and

4. It shows no drainage structures and does not show how the Applicants will guarantee that the existing drainage from the property which is now entering the drain ditch located to the west of the subject property will be stopped.

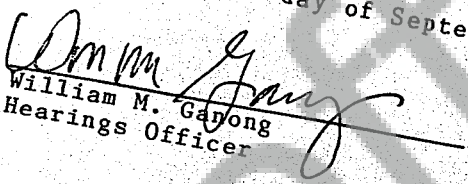
In addition, the nearby landowners were concerned that the landscaping plan submitted by the Applicant would hinder the view of automobiles leaving the Smith property located immediately south of the subject property, thereby creating a traffic hazard. The Hearings Officer went out to the subject property drove into the Smith driveway and then backed out of the driveway. Currently, there is a tree in the southeast corner of the subject property which in fact blocks the view of anyone trying to back out of the Smith driveway. The view is blocked to the point where the rear end of the Hearings Officer's automobile was out in Homedale Road before he could see a safe distance north along Homedale Road. It appears that the Applicant's proposed landscaping will increase that problem as it does create a visual screen along the property line of the subject property. Said visual screen is desirable in order to beautify the subject property, however, said screen should be moved back at least 10 or 15 feet from the property line.

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ORDER

After reviewing the plot plan submitted by the Applicant at the meeting on September 3, 1987; after reviewing the testimony of the people in attendance at said meeting; and after visually inspecting the subject property and adjoining land, the Hearings Officer finds that the plot plan submitted by the Applicant does not comply with the requirements of the Klamath County Land Development Code, Article 41 and the Variance for Ned Putnam should be denied. Therefore, it is hereby Ordered that the application for Variance No. 12-87 for Ned Putnam is denied.

Dated this 15th day of September, 1987.


William M. Garong
Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

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FEE NONE
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