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BEFORE THE HEARINGS OFFICER
KLAMATH COUNTY, OREGON

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1
2 In the Matter of Request for)
3 Zone Change No. 17-83 for)
4 Lewis Erbes and Muriel O'Connor)
5)

Klamath County Planning
Findings of Fact and Order

6 A hearing was held on this matter on October 20, pursuant
7 to notice given in conformity with Ordinance No. 45.1, Klamath
8 County, before the Klamath County Hearings Officer, Jim Spindor.
9 The applicants were not present, but were represented by Jack M.
10 O'Connor. The Klamath County Planning Department was represented
11 by Jonathan Chudnoff. The Hearings Reporter was Karen Alberto.
12 Evidence was presented on behalf of the Department and on
13 behalf of the applicants. 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, Development Proposal
19 Klamath County Exhibit C, Plat Map
20 Klamath County Exhibit D, Assessor's Map
21 Klamath County Exhibit E, Letter from City of Klamath Falls
22 The hearing was then closed, and based upon the evidence

23 submitted at the hearing, the Hearings Officer made the following
24 Conclusions of Law:

25 CONCLUSIONS OF LAW:

- 26 1. The proposed change of zone is in compliance with the
27 Klamath County Comprehensive Plan and the provisions of this Code.
28 2. The proposed change in zone adequately responds to site

83 OCT 27 PM 2 18

1 specific conditions to minimize adverse affects upon surrounding
2 property that would be affected by the proposed change so long
3 as the conditions set forth hereinbelow are followed, in that this
4 change of zone will make use of the land which is consistent
5 with the use already in existence ^B on the surrounding lands.

6 3. The granting of this zone change is consistent with the
7 goals of the LCDC so long as the conditions set forth hereinbelow
8 are followed.

9 4. The granting of this zone change is subject to the
10 following condition:

11 CONDITION:

12 a. That the property in question shall not be divided
13 into more than 41 lots, and that said 41 lots shall be of the
14 dimensions set forth in Exhibit "C" herein.

15 FINDINGS OF FACT:

16 The requested zone change has been granted based on the
17 following findings of fact:

18 1. The applicants request a zone change from RS to RM to
19 allow a 41 lot subdivision on approximately 12.5 acres. The
20 requested zone change would reduce the minimum lot size from
21 10,000 square feet to 4,000 square feet and would increase the
22 number of dwelling units per acre from 1-4 to 5-9. Also, domestic
23 animals would no longer be allowed as an outright use on this
24 property.

25 2. The property is rectangular in shape and is currently
26 used for pasture. The applicants are requesting the zone change
27 to allow for a subdivision into 41 lots with a typical size of
28 8,000-9,000 square feet as can be seen on exhibit "C" herein.

1 Land to the north, east and south of this parcel is subdivided
2 and built out, with lot sizes similar or somewhat larger than
3 those proposed. The land to the west is primarily in one-acre
4 lots.

5 3. All needed urban utilities are available along Summers
6 Lane and in the adjacent subdivisions and can be extended to
7 serve this property.

8 4. The property is in Soil Capacity Class IV and has
9 irrigation available. It is not suited to commercial agricultural
10 use because of its small size and its isolation from any other
11 farm parcel. Farming would also be hampered by potential con-
12 flicts with the developed residential lots surrounding this parcel.

13 5. The soils in the area have no timber productivity rating
14 and the only trees are residential landscaping. There are no
15 trees on the property involved in this zone change.

16 6. There are no inventoried scenic, historic or natural
17 resources on or adjacent to this property.

18 7. There are no inventoried natural hazards affecting the
19 area of this zone change.

20 8. The property in question is within the Klamath Falls
21 Urban Growth Boundary. The lots would be for single family or
22 duplex use and are small enough to allow for moderate cost
23 housing.

24 9. No request for a zone change has been considered by the
25 Planning Department or any other authority on the same property
26 or substantially the same property within one year immediately
27 prior to the request herein.

28 The Hearings Officer, based on the foregoing Findings of

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1 Fact, accordingly orders as follows:
2

3 That real property described as

4 "being generally located on Summers Lane, between
5 Summers Park and Mazama Gardens subdivisions, and
6 more particularly described as Tax Lots 200, 201,
7 and 300, located in the SE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 10,
8 Township 39, Range 9,"

9 is hereby granted a Zone Change from RS (Suburban Residential)
10 to RM (Medium Density Residential) in accordance with the terms
11 of the Klamath County Zoning Ordinance No. 45.1.
12

13 Entered at Klamath Falls, Oregon, this 26th Day of
14 October, 1983.
15

16 KLAMATH COUNTY HEARINGS DIVISION

17 Dore Spindler

18 Hearings Officer

19 Return to Commissioners Journal
20

21 STATE OF OREGON,)
22 County of Klamath)
23 Filed for record at request of

24 on this 27th day of Oct. A.D. 19 83
25 at 2:18 o'clock P M, and duly
26 recorded in Vol. M 83 of Deeds
27 Page 18583

28 EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee None