

00430

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

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1 In the Matter of Request for)  
2 Zone Change No. 28-83 for ) Klamath County Planning  
3 Clarence W. Reeve, Applicant) Findings of Fact and Order  
4 \_\_\_\_\_)

5 A hearing was held on this matter on January 5, 1984, pursu-  
6 ant to notice given in conformity with Ordinance No. 45.1, Klamath  
7 County, before the Klamath County Hearings Officer, Jim Spindor.  
8 The applicant was present. The Klamath County Planning Department  
9 was represented by Jonathan Chudnoff. The Hearings Reporter was  
10 Karen Alberto.

11 Evidence was presented on behalf of the Department and on  
12 behalf of the applicant. There were no adjacent property owners  
13 present.

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

16 Klamath County Exhibit A, Staff Report  
17 Klamath County Exhibit B, Assessor's Map  
18 Klamath County Exhibit C, Letter from Public Works Department  
19 Klamath County Exhibit D, Letter from BLM Prineville Office  
20 Klamath County Exhibit E, Letter from Highway Division Bend  
21 Office.

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 the Land  
28 Development Code.

22 1 10 482

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

7           3. The granting of the Zone Change is consistent with the  
8 goals of the LCDC so long as the condition set forth hereinbelow  
9 is followed.

10           4. The granting of this Zone Change is subject to the  
11 following condition:

12           CONDITION:

13           a. The applicant shall provide written proof to the Klamath  
14 County Planning Department that he has legal access to the prop-  
15 erty in question including but not limited to a road approach  
16 permit from the Oregon State Highway Division.

17           FINDINGS OF FACT:

18           The requested Zone Change has been granted based on the  
19 following findings of fact:

20           1. The applicant requests a Zone Change from F-I which is  
21 the eighty acre forestry zone, to F-II which is the twenty acre  
22 forestry zone. This change is intended to facilitate partitioning  
23 of the property. The applicant intends to divide the property  
24 into six twenty-acre parcels. The general vicinity is a mixture  
25 of public and private timberland, with parcel size ranging from  
26 forty to hundreds of acres. There are residential subdivisions  
27 approximately 3/4 mile to the east (Antelope Meadows and New Pine  
28 Acres) with lots of one to ten acres in size. At the present time

1 these lots are vacant.

2 2. The property in question is rectangular in shape, being  
3 approximately 1/4 mile by 3/4 mile and containing approximately  
4 120 acres.

5 3. Three letters have been received by the Klamath County  
6 Planning Department (Exhibits C, D, and E) each of which questions  
7 the applicant's right of legal access to the property in question.

8 4. No one testified in opposition to the granting of the  
9 Zone Change and there was no evidence that there would be any  
10 detrimental effect to the public health, safety or welfare or any  
11 detrimental effect on abutting property owners.

12 5. No request for a Zone Change has been considered by the  
13 Planning Department or any other authority on the same property  
14 or substantially the same property within one year immediately  
15 prior to the request herein.

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

18 That real property described as  
19 "being generally located east of Highway 97, 2 3/4  
20 miles south of Deschutes County line, and more par-  
21 ticularly described as the N $\frac{1}{2}$ , SE $\frac{1}{2}$  of Section 18,  
22 and NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Section 17, Township 23, Range 10,  
Klamath County, Oregon,"  
23 is hereby granted a Zone Change from F-I to F-II in accordance  
24 with the terms of the Klamath County Zoning Ordinance No. 45.1.  
25 Entered at Klamath Falls, Oregon, this 12<sup>th</sup> Day of January,  
26 1984.

27 KLAMATH COUNTY HEARINGS DIVISION  
28 RETURN: COMMISSIONER'S OFFICE

Zone Change 28-83  
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Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss  
I hereby certify that the within instrument was received and filed for  
record on the 12th day of January A.D., 1984 at 1:22 o'clock P.M.  
and duly recorded in Vol 484 of Deeds Page 575

Fee \$ None

WELSH STATE, INC.  
by Thomas J. Fitch