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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request)
for Zone Change No. 12-84) Klamath County Planning
for Lester R., Nancy M,) Findings of Fact and Order
and David P. Harmon,)
Applicants.)

A hearing was held on this matter on October 18, 1984, pursuant to notice given in conformity with Ordinance No. 45.2, Klamath County, before the Klamath County Hearings Officer, Jim Spindor. The applicants were represented by David P. Harmon. The Klamath County Planning Department was represented by Jonathan Chudnoff. The Hearings Reporter was Judy Whitaker.

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Assessor's Sheet
Klamath County Exhibit C, Plot Plan

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

CONCLUSIONS OF LAW:

1. The change of zone is in conformance 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

1 normally allowed in conjunction with such zoning.

2 3. The property affected by the proposed change of zone
3 is properly related to streets to adequately serve the type
4 of traffic generated by such uses that may be permitted thereon.

5 4. The proposed change of zone will have no adverse
6 effect on the appropriate use and development of abutting
7 properties.

8 5. The granting of this zone change is consistent with
9 the goals of the L.C.D.C.

10 FINDINGS OF FACT:

11 The requested zone change has been granted based on the
12 following findings of fact:

13 1. The applicant makes this request to change the zone
14 of the property in question from R-5 (Rural Five Acre Minimum)
15 to R-1 (Rural One Acre Minimum) in order to split 9.48 acres
16 into two parcels, both being approximately 4.72 acres. This
17 parcel is owned by a couple and their son, and they wish to
18 divide the property so that the son may put a home on his half.

19 2. The area is characterized by ten-acre home sites, a
20 number of which have been divided as the applicants wish to do.

21 3. The property is part of a subdivision developed for
22 residential use. No agricultural land would be affected by
23 this proposal.

24 4. The property is within the Keno rural community
25 boundary in an area developed for residential use. No forest
26 land would be affected by this proposal. The Oregon Department
27 of Forestry has been notified of this proposal and has submitted
28 no comments or objections.

1 5. The property is within the northern flyway used by
2 eagles to get to the Klamath River from the Bear Valley roosting
3 site. The Oregon Department of Fish and Wildlife has been
4 notified of this proposal and has submitted no comments or
5 objections.

6 6. A new septic system will be necessary if another
7 residence is put on this property, and the property would be
8 subject to evaluation and approval by the County Health
9 Department.

10 7. The area has a moderate fire hazard rating. The
11 property is in the Keno Rural Fire District and is about 2-1/2
12 miles from the main station.

13 8. The property fronts on a cinder public road.

14 9. No one testified in opposition to the granting of this
15 zone change, and there was no evidence presented that there would
16 be any adverse effects on the appropriate use and development of
17 abutting properties.

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

20 That real property described as:

21 "Being generally located east of Whispering Pines
22 and approximately 635 feet south of Tuckers Crossing
23 in the Keno area, and more particularly described
as being located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7,
Township 40, Range 8,"

24 is hereby granted a zone change in accordance with the terms
25 of the Klamath County Zoning Ordinance No. 45.2, and,

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27 ///

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1 henceforth will be zoned R-1 (Rural One Acre Minimum).

2 Entered at Klamath Falls, Oregon, this 2nd day of
3 November, 1984.

4 KLAMATH COUNTY HEARINGS DIVISION

5
6 Jim Spindor
7 Jim Spindor, Hearings Officer

8 Return: Commissioners Journal
9

10
11 STATE OF OREGON,)
12 County of Klamath)
13 Filed for record at request of

14 on this 6th day of November A.D. 19 84
15 at 3:07 o'clock P M, and duly
16 recorded in Vol. M84 of Deeds
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17 **EVELYN BIEHN** County Clerk

18 By Pam Smith Deputy

19 Fee None
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