

BEFORE THE HEARINGS OFFICER  
KLAMATH COUNTY, OREGON

49518

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1 In the Matter of Request for )  
2 Zone Change No. 3-85 for )  
3 D. R. and M. F. Willford )

Klamath County Planning  
Findings of Fact and Order

4 A hearing was held on this matter on May 16, 1985, pursuant  
5 to notice given in conformity with Ordinance No. 45.2, Klamath  
6 County, Before the Klamath County Hearings Officer, Bradford J.  
7 Aspell. The applicants were present. The Klamath County Planning  
8 Department was represented by Jonathan Chudnoff. The Hearings  
9 Reporter was Judy Whitaker.

10 Evidence was presented on behalf of the Department and on  
11 behalf of the applicants. There was one adjacent property owner  
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, City Planner's Comments  
19 Klamath County Exhibit E, Photographs

20 The hearing was then closed, and based upon the evidence  
21 submitted at the hearing, the Hearings Officer made the following  
22 Findings of Fact:

23 FINDINGS OF FACT:

24 1. This application is for a zone change from Suburban  
25 Residential (RS), Klamath County Land Development Code Section  
26 51.005, to Medium Density Residential (RM), Klamath County Land  
27 Development Code Section 51.007. The property is designated as  
28 Urban by the Klamath County Comprehensive Plan. Applicant seeks

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1 the zone change in order to construct a duplex on the subject  
2 property, a use not permitted under the RS zone. Applicant pro-  
3 poses to remove the older single-wide mobile home on the premises  
4 and to construct a duplex changing the access to the property from  
5 Summers Lane to Bartlett Avenue.

6 2. The property in question is a corner lot situated at the  
7 corner of Summers Lane and Bartlett Avenue, Klamath County, Oregon.  
8 The property is rectangular, 75 feet wide by 178.9 feet in length  
9 as shown on Exhibit B, the plot plan, and Exhibit E, photos of  
10 the subject property. The property in question is sufficiently  
11 large for the proposed construction of the duplex to meet the  
12 development standards required by the zone.

13 3. The property in question has 75 feet of frontage on  
14 Summers Lane and 178.9 feet fronting Bartlett Avenue. By moving  
15 the driveway from Summers Lane, a busy arterial, to Bartlett  
16 Avenue, traffic congestion will be minimized, hazards to safety  
17 on Summers Lane will be minimized, and the new access will ade-  
18 quately serve the type of traffic generated by permissible uses  
19 in the RM zone.

20 4. The primary effect of the change of zone will be to allow  
21 the applicant to construct a duplex on the property which is not  
22 permitted in the current zone. Exhibit C reveals that much of  
23 the property bounded between Bartlett Avenue and Anderson Street  
24 is presently zoned RM. Additionally, applicant owns Tax Lot 9100  
25 immediately adjacent to the subject property. Further, public  
26 notice was sent to all property owners owning land within 250 feet  
27 of the application, of which the Hearings Officer found at the  
28 time of calling for public input, no persons attended to express

1 opposition to the application. The Hearings Officer concludes  
2 that the proposed change of zone will have no adverse effect upon  
3 the appropriate use and development of abutting properties.  
4 5. The following goals are not affected by this application:  
5 3, 4, 5, and 7.

6 6. Goal 1, Citizen Involvement, has been provided. Notice  
7 has been published in the Herald and News and mailed to adjacent  
8 property owners as provided by ordinance.

9 7. The property is within the Klamath Falls urbanized area  
10 and would therefore be served by all needed urban facilities  
11 including the City of Klamath Falls (water), South Suburban  
12 Sanitary District (sewer), Pacific Power and Light Company (elec-  
13 tricity), Pacific Northwest Bell (telephone), CP National (natural  
14 gas), Klamath County School District (schools), and Klamath County  
15 Fire District No. 1 (fire protection).

16 CONCLUSIONS OF LAW:

17 1. Change of zone is in conformance with the Comprehensive  
18 Plan, and all other provisions of the Land Development Code.

19 2. The property affected by the change of zone is adequate  
20 in size and shape to facilitate those uses normally associated  
21 in conjunction with the RM zone.

22 3. The property affected by the proposed change of zone is  
23 properly related to streets to adequately serve the type of  
24 traffic generated by such uses as may be permitted therein.

25 4. Proposed change of zone will have no adverse affect on  
26 the appropriate use and development of abutting properties.

27 5. The granting of this zone change is consistent with the  
28 goals of the Land Conservation and Development Commission.

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


3 That real property described as:

4 "being generally located at 4734 Summers Lane (north-  
5 west corner of Summers Lane and Bartlett Avenue), and  
6 more particularly described as Tax Lot 10,000, located  
7 in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, Township 39, Range 9,"

8 is hereby granted a Zone Change from Suburban Residential to  
9 Medium Density Residential, in accordance with the terms of  
10 the Klamath County Zoning Ordinance No. 45.2.

11 Entered at Klamath Falls, Oregon, this 5<sup>th</sup> Day of June,  
12 1985.

KLAMATH COUNTY HEARINGS DIVISION


13   
14 Bradford J. Aspell, Hearings Officer

15  
16  
17 RETURN: Commissioners Journal

18 STATE OF OREGON, )  
19 County of Klamath )  
20 Filed for record at request of

21 on this 6th day of June A.D. 19 85  
22 at 9:15 o'clock A M, and out  
23 recorded in Vol. M85 of Deeds  
24 Page 8373

25 **EVELYN BIEHN, County Clerk**

26 By  Deputy

27 Fee NONE