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BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

Vol. 1185

Page

12357

1 In the Matter of Request for )  
2 Zone Change No. 7-85 for )  
3 Michael and Victoria Spivey )

Klamath County Planning  
Findings of Fact and Order

4 A hearing was held on this matter on July 18, 1985, pursuant  
5 to notice given in conformity with Ordinance No. 45.2, Klamath  
6 County, before the Klamath County Hearings Officer, Jim Spindor.  
7 The Klamath County Planning Department was represented by Jonathan  
8 Chudnoff and Claudia Stine.

9 Evidence was presented on behalf of the Department and on  
10 behalf of the applicant. There were no property owners present.

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

13 Klamath County Exhibit A, Staff Report

14 Klamath County Exhibit B, Plot Plan

15 Klamath County Exhibit C, Legal Description

16 Klamath County Exhibit D, Assessor's Map

17 Klamath County Exhibit E, Pictures

18 Klamath County Exhibit F, City Planner's Comments

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

22 CONCLUSIONS OF LAW:

23 1. The change of zone is in conformance with the Compre-  
24 hensive Plan and all other provisions of the Land Development  
25 Code.

26 2. The property affected by the zone change is adequate in  
27 size and shape to facilitate those uses that are normally allowed  
28 in conjunction with such zoning.

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

4        4. The proposed change of zone will have no affect on the  
5 appropriate use and development of the abutting properties.

6        5. The granting of this Zone Change is consistent with the  
7 goals of the LCDC.

8        FINDINGS OF FACT:

9        The requested Zone Change is granted based on the following  
10 Findings of Fact:

11       1. The applicant makes this request to change the zone from  
12 High Density Residential to Suburban Residential. The property is  
13 rectangular in shape, being approximately 5.82 acres.

14       2. The applicants are in the process of buying this parcel.  
15 They would like to develop the property into pasture to keep their  
16 horses on. The present zone (RH) does not allow horses. The prop-  
17 erty is an area of small farms and rural homesites. Although the  
18 property is within the Urban Growth Boundary, water and sewer ser-  
19 vices are not yet available, and the property cannot be developed  
20 at the density allowed in the RH zone.

21       3. This Zone Change would allow the applicants to develop  
22 the property to meet their needs while leaving it available for  
23 urban growth at a later date when services are available.

24       4. The property is in a sparsely developed urban growth area  
25 of the Urban Growth Boundary. The proposed change is consistent  
26 with the future urban development of the area.

27       5. No other goals would be adversely affected by the granting  
28 of this Zone Change.

1 6. No one testified in opposition to the granting of the Zone  
 2 Change, and there was no evidence that there would be any adverse  
 3 affects on the appropriate use and development of abutting property.

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

6 That real property described as:

7 "being generally located at the east end of Beverly  
 8 Drive, and more particularly described as Tax Lot 200,  
 9 located in the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, Township 38, Range  
 9, Klamath County, Oregon,"

10 is hereby granted a Zone Change in accordance with the terms of  
 11 the Klamath County Zoning Ordinance No. 45.2, and, henceforth,  
 12 will be allowed a change of zone from High Density Residential to  
 13 Suburban Residential.

14 Entered at Klamath Falls, Oregon, this 5<sup>th</sup> Day of August,  
 15 1985.

KLAMATH COUNTY HEARINGS DIVISION

*[Signature]*

Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 6th day  
 of August A.D., 19 85 at 9:25 o'clock A M., and duly recorded in Vol. M85  
 of \_\_\_\_\_ on Page 12357  
Deeda

Evelyn Biehn  
 By \_\_\_\_\_

County Clerk

FEE NONE

Ret: Commissioners' Journal

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