

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the	)	Zone Change No. 4-87
application for a Zone change	)	FINDINGS OF FACT, CONCLUSIONS
for BRYON L. GRIM and MARY A.	)	OF LAW AND ORDER
GRIM	)	

This matter came before Hearings Officer William M. Ganong on June 4, 1987 in the Klamath County Commissioner's Hearing Room. The Hearing was held pursuant to the Notice given in conformity with the Klamath County Land Development Code and related ordinances. Mary Grim, one of the Applicants, was present and represented the applicants at the Hearing and the Klamath County Planning Department was represented by Carl Shuck and the Recording Secretary was Janet Libertajt. The Klamath County Planning Department file and all contents thereof were incorporated in the record as evidence. The County Hearings Officer, after reviewing the evidence presented, makes the following Findings of Fact, Conclusions of Law and Decision:

FINDINGS OF FACT:

1. The applicants have applied for a zone change from RL, Low Density Residential, to RS, Suburban Residential, to allow for large animals, specifically horses, on property which they are purchasing from Henley Land Company and on which they intend to locate a single family residence.
2. The Hearings Officer viewed the subject property with Planning Department Staff.
3. The subject property is located south of the Country Green Subdivision which is a mobile home subdivision comprised of

relatively small lots. It is located west of the Enterprise Irrigation Canal. The use of the land to the east, south and west is generally for large lot residential uses and irrigated crop land. The land that was zoned RL with a PUD overlay which would allow it to be developed in a manner similar to that of Country Green. The subject property is approximately 2.9 acres in size and is located at the end of Alt Way off of Highway 39 South. The property is Klamath County Tax Assessor Account No. 3909-13AA6900.

4. Access to the subject property is via Alt Way which is a public road and an easement over a short section of Alt Way which has not been dedicated for public use. The easement will be granted by Henley Land Company which owns the area of Alt Way not dedicated to public use. Enterprise Irrigation District has issued a permit which will allow the applicants to construct and maintain an access structure across the Enterprise Irrigation District canal and drain which border the subject property.

5. The Applicants submitted a plot plan, Exhibit B, which shows that they intend to locate a mobile home and construct a garage on that portion of the subject property which is nearest Country Green and to develop the remaining portion of the property as a pasture for horses.

6. The use proposed by the applicant will provide an appropriate buffer or transition area between the relatively dense residential use located in Country Green and the large lot residential and agricultural uses on the property located east, west and south of the subject parcel.

7. The Findings of Fact contained in the Klamath County Planning Department Staff as amended are adopted and incorporated herein by this reference.

KLAMATH COUNTY LAND DEVELOPMENT CODE CRITERIA:

Section 47.003 of the Klamath County Land Development Code sets forth for criteria which must be addressed in reviewing an application for a zone change.

KLAMATH COUNTY GOALS AND POLICY COMPLIANCE:

The Goals and Policy findings of the Klamath County Planning Department Staff report are hereby adopted and incorporated herein by this reference.

KLAMATH COUNTY CODE FINDINGS OF FACT AND CONCLUSIONS:

The Hearings Officer makes the following Findings and Conclusions pursuant to Code Section 47.003:

A. The change of zone is in conformance with the comprehensive plan and all of the provisions of the Land Development Code. This finding is supported by the findings and conclusions set forth in the Klamath County Planning Staff Report. The change of zone to Suburban Residential is more appropriate than the current zoning as Low Density Residential. As the density development in the suburban residential zone is not as dense as the RL Zone the subject property will provide a transitional area between the relatively high density located in the Country Green Subdivision and the very low density residential and agricultural uses on the properties lying east, south and west of the subject property.

B. The property effected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning. The subject property contains approximately 2.9 acres. It will be used for a single family residence and adjoining horse pasture. The access provided by Alt Way and the easement from Henley Land Company provide adequate access over paved streets to the subject property. The subject property is adequate in size so as to be divisible and has adequate access to allow division of the property in the future for additional single family residences at the density allowed by the RS Zone.

C. The property effected by the proposed change of zone is properly related to streets that will adequately serve the traffic generated by the single family residence to be located on the subject property. This conclusion and findings are supported by the findings above that access is adequately provided by Alt Way and the easement from Henley Land Company.

D. That the proposed change of zone will have no adverse effect on the appropriate use and development of abutting properties. Abutting properties are zoned for relatively high density residential uses. The adjoining properties are all located within the urban growth boundary of Klamath Falls. By changing the zoning on the subject property to decrease the potential density of development of the subject property, a transitional area from the high density residential use in Country Green to the low density uses to the west, south and east of the

subject property is provided. The subject property will have no adverse effect on the uses or potential uses of the abutting properties.

CONCLUSIONS OF LAW AND ORDER

The subject application for a Zone Change on the above described land from RL to RS is granted and the Planning Director is authorized to record this Order and sign any necessary building permits at such time as the applicant has provided proof of recording of an easement from Henley Land Company to the applicant for access over and across that portion of Alt Way which has not been dedicated to public use but which is necessary to provide adequate access to the subject property.

DATED this 1st day of July, 1987.

  
 William M. Ganong  
 Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 7th day  
 of July A.D. 19 87 at 9:08 o'clock A M., and duly recorded in Vol. M87,  
 of Deeds on Page 11841.

FEE NONE

Return: Commissioners' Journal

Evelyn Biehn, County Clerk  
 By 