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BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request  
for MARGARET PASCHAL

ZONE CHANGE  
NO. ZC 10-90

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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 29 June 1990 in the County Commissioners' Hearing Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Carl Shuck the recording secretary was Ms. Karen Berg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter.

This hearing was consolidated with CUP No. 32-90 which is an application by the same petitioner) for the purpose of taking evidence only.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MRS. MARGARET PASCHAL, the applicant for the above referenced zone change, was present and testified. Mrs. Paschal information was received and found to be in favor of the permit.

The report prepared by staff was read and the contents thereof were received in evidence; Exhibit "A" (staff report), Exhibit "B" (assessor's plat map) and Exhibit "C" (photographs showing the relative positions of adjacent property, and streets). Based upon the evaluation of the testimony and consideration of the evidence received, the Hearings Officer makes the following FINDINGS OF FACT AND CONCLUSIONS.

FINDINGS OF FACT :

1. The Applicant is requesting a Zone Change from RS (Suburban Residential) to RL (Low Density Residential). for the purpose of partitioning this parcel into two lots of approximately 5200 sq ft and 5500 sq ft respectively.

2. The property is located on the South side of Onyx Ave. and the West side of Bisbee Street Klamath County, Oregon; legally described as "a portion of section 10 T6.33 R9 tax lot 3100.

3. Mrs. Paschal and staff testified that the Exhibits above described show the present buildings in the immediate vicinity of this site and the relative location of residences abutting the property. It appears that other residences adjoining this property have been placed upon lots of a similar size in the immediate area to the subject property.

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4. Authority for the proposed Zone Change found in section 47.003 of Article 47, paragraphs A through D.

5. The Applicant's requested zone change is not in derogation of the Comprehensive Plan or the Land Development Code.

6. The lots resulting from the partition of this property are adequate in size and shape to facilitate the use which is authorized in the RL zone.

7. The property is adequately served by maintained streets and municipal utilities and services.

8. The zone change will not alter the present de facto use of the adjacent properties or the character of the neighborhood.

9. Notices were sent to in conformance with relevant Klamath County Policy and there were no communications with the staff of at the hearing in opposition to this application.

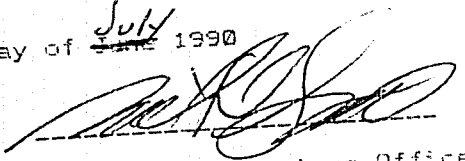
#### CONCLUSION

There is no logical reason to refuse this zone change application since it will result in no detectable change in the present use of the property in this area and meets the criteria for such a change.

#### ORDER

Based upon the findings and conclusion herein the Zone change from RS to RL as requested is granted.

DATED this 2nd day of July 1990

  
Neil D. Smith, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

" An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 3rd day of July A.D., 19 90 at 3:40 o'clock P.M., and duly recorded in Vol. M90 of Deeds on Page 13184

Evelyn Biehn - County Clerk  
By Pauline Mulendore

FEE none

Return: Commissioners Journal