

20259

BEFORE THE KLAMATH COUNTY HEARINGS OFFICER

IN THE MATTER OF THE REQUEST)
 FOR ZONE CHANGE 12-90 FOR)
 JOHN WHISENHUNT)

ORDER

SEP 19 AM 9 15
 '90
 A hearing was held on this application on August 24, 1990, and was continued to September 7, 1990, in order for applicant to discuss issues with the City planning department about proposed use. On September 7, 1990, the Klamath County Hearings Officer reviewed Zone Change application for change in zone from RS (Suburban Residential) to RH (High Density Residential) pursuant to Article 47, Section 47.003, A-D and Article 52.007, Limited Use Overlay Zone of the Land Development Code.

The hearing was held pursuant to notice given in conformity with the Land Development Code. Applicant, Mr. John D. Whisenhunt gave testimony with information and all exhibits being received by the H/O and made part of the record.

Staff Report was prepared by Planning Staff and was read into the record. Planning Department was represented by Carl Shuck, Planning Director, and Karen Burg, Recording Secretary..

Based on the testimony and consideration of the evidence, testimony, exhibits received, the Hearings Officer makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Applicants request was a Zone Change application only from RS(Suburban Residential) to RH(High Density Residential) with the Comprehensive Plan remaining Urban Residential.
2. Site for change in zone is located between Flint Street and Emerald Street of Stewart Lennox and more particular described as being in a portion of Section 7, TS39 R9, Tax Lot 2900.
3. The parcel of land in question is approximately 1.1 acres in size. The location of the building site is approximately 106 by 129 or 13,674 square feet, being on lots 5 and 6 of Cregan Park.
4. The building site meets the required setbacks of the Land Development Code as indicated in Klamath County Exhibit C, Plot Plan.

5. The site for change in zone is adequately served by the existing streets and those public services required within the Urban Growth Boundary Line. Balsam Drive appears to be able to carry the kind of traffic that would be generated from proposed use.

6. Testimony indicated that uses in the surrounding area were that of single family residences and that of mobile homes, and also zoning to the immediate south, east and southeast is that of Medium Density which allows for duplex, single family residence and Double wide mobile homes.

7. The Hearings Officer shall apply to Limited Use Overlay Zone (LU) to the building site where the multiple use is being developed. The building site are lots 5 and 6 of Cregan Park.

8. The limited Use Overlay Zone shall apply to lots 5 and 6 of Cregan Park until it is specifically removed via a application made with the Planning Department, with a hearing before the Hearings Officer for his review.

CONCLUSIONS OF LAW

1. The Hearings Officer concludes from the above findings that the proposed application for zone change is in conformance with the Land Development Code.

2. The Hearings Officer concludes that site is physically suitable for the proposed use as indicated in his plot plan, Klamath County exhibit E.

3. The property affected by the proposed change in zone is properly related to streets to adequately serve that traffic generated by such use.

4. The proposed change was supported by factual information, which documents the need for the change in zone to High Density Residential.

ORDER

Based on the findings and conclusions of law, applying the Limited Use Overlay Zone and applicant applying for a proper building permit from the Building Department for the multiple use in order to remove the STOP WORK ORDER, the Hearings Officer approves application Zone Change 12-90.

DATED THIS 12th DAY OF SEPTEMBER 1990


Neil D. Smith, Hearings Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified that this application may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Land Development Code, together with the fee required within ten days following the mailing date of this order.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 18th day
of Sept. A.D., 19 90 at 9:15 o'clock AM., and duly recorded in Vol. M90,
of Deeds on Page 18688.

Evelyn Biehn - County Clerk

FEE none

By Pauline Mullins

Return: Commissioners Journal