

52692

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a Zone Change for  
 DAVID CILLIS and REBECCA CILLIS,  
 \_\_\_\_\_ )  
 )  
 ) CASE NO. ZC 4-92  
 )  
 )

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on October 16, 1992 in the County Commissioners' Hearing Room in Klamath Falls, Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl, the recording secretary was Karen Burg. The Klamath County Planning Department's file and all exhibits and other contents therein are incorporated by this reference into this matter. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. Rebecca Cillis, the applicant for the above-referenced zone change was present and testified. The information provided by Mrs. Cillis 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" (tax assessor's plat map); Exhibit "C" (site plan); and Exhibit "D" (letter from Peggy J. Anderson, Post Office Box 331, North Powder, Oregon) containing an objection to the zone change, were received.

Based upon the evaluation of the testimony and consideration of the evidence received the hearings officer makes the following findings of fact and conclusions of law and makes the following decision:

#### FINDINGS OF FACT

1. The applicants are requesting a zone change from suburban residential (RS) to medium density residential (RM) for the purpose of replacing a 1972 Barrington mobile home with a duplex to be constructed on the lot containing 18,150 square feet.

2. The property is located on the north side of Delaware Street and approximately 450' east of Homedale Road, being the Schiesel Tract, legally described as a portion of Section 2, Township 39 South, Range 9 East Willamette Meridian, Tax Lot 3800.

3. Mrs. Cillis and staff testified that the exhibits above described show the present buildings in the immediate vicinity of the site and the relative locations of residences abutting the property. The area contains a mixture of mobile homes and single family houses and one duplex across Delaware Avenue.

4. Authority for the proposed Zone Change is found in Section 47.030 of Article 47, paragraph A-B and H/O Review Procedure.

5. The applicants' requested Zone Change is not in

derogation of the comprehensive plan or the Land Development Code.

6. Opponent Anderson commended the applicants for improvements made to the site but criticized storage of miscellaneous personal property. The applicant explained that the storage was for a third party and the storage was of a temporary nature and has all been removed.

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

8. The zone change will not alter the present use of the adjacent properties or the character of the neighborhood and will constitute an improvement.

9. Notices were sent in conformance with relevant Klamath County policy and the letter from Peggy J. Anderson was the only communication with the staff or at the hearing in opposition of this application.

#### CONCLUSION

The requested zone change will result in no detrimental change in the present use of the property in the area and meets criteria for such a change.

#### ORDER

Based upon the findings and conclusions herein the zone

change from RS to RM as requested is granted.

DATED THIS 20<sup>th</sup> day of October, 1992.

Michael L. Brant  
 Michael L. Brant  
 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 22nd day  
 of Oct A.D., 19 92 at 2:03 o'clock P. M., and duly recorded in Vol. M92,  
 of Deeds on Page 24787.

FEE none

Evelyn Biehn - County Clerk  
 By Pauline Messelers

Return: Commissioners Journal