

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request for a)	
Zone Change for)	
DELVIN LITZENBERG and LAURA)	ZONE CHANGE NO. 5-92
LITZENBERG)	
)	

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon on January 8, 1993 in the County Commissioners' Hearing Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl, the recording secretary was Ms. Karen Burg. 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 petitioners) for the purpose of taking evidence only. Delvin Litzenberg and Laura Litzenberg, the applicants for the above-referenced zone change, were present. The report prepared by staff was read and the contents thereof were received in evidence; Exhibit A Staff Report and Exhibit B Application. Based upon the consideration of the evidence received, the Hearings Officer makes the following findings of fact and conclusions:

FINDINGS OF FACT

1. The applicants are requesting a zone change from R-5 (Rural, 5 acre) to R-1 (Rural, 1 acre) on 9.3 acres for the purpose of establishing a second residence (manufactured home) on the

property.

2. The property is located east of Eighth Street at Front Street near the east limits of the city of Malin, Oregon and legally described as a Portion of the NE 1/4 SW 1/4 Section 15, Township 41 South, Range 12 East of the Willamette Meridian. Tax Lot 4112-15CA-500 and 600. The evidence revealed that the land uses to the north and south are rural residential; to the east agricultural; and to the west is the city of Malin.

3. Authority for the proposed zone change is found in LDC Section 47.030 of Article 47.

4. The applicants' requested zone change is not in derogation of the Klamath County Comprehensive Plan or the Land Development Code..

5. The subject property is adequate in size and shape to facilitate the use which is authorized in the R-1 Zone.

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

7. The zone change will not alter the present use of adjacent property or the character of the neighborhood.

8. Notices were sent in conformance with the Klamath County policy and there were no communications with the staff or at the hearing in opposition of this application.

CONCLUSION

There is no logical reason to refuse this zone change application since it will result in no appreciable change in the present use of the property in the area.

ORDER

Based upon the findings and conclusions herein the Zone Change from R-5 to R-1 as requested is granted.

DATED THIS 20th day of January, 1993.

Michael L. Brant
Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 22nd day
of Jan. A.D., 19 93 at 3:15 o'clock P.M., and duly recorded in Vol. M93
of Deeds on Page 1702.

FEE \$none
By Evelyn Biehn County Clerk
Doreen M. Anderson

Return: Commissioners Journal