

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request)
)
for HERMAN MCCARTY) ZONE CHANGE
) NO. ZC 6-93
)

)

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon, on July 23, 1993, in the Klamath County Commissioners' Hearing Room in Klamath Falls, Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl and 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.

The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. Herman McCarty, the applicant for the above-referenced zone change, was present. Mr. Dennis Ensor testified in favor of the permit.

The report prepared by staff was read and the contents thereof were received in evidence. 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 Applicant is requesting a Zone Change from Suburban Residential (RS) to Medium Density Residential (RM) in order to develop the site as a mobile home park and also include a subdivision for manufactured homes on approximately 12 acres.

2. The subject property is located north of State Highway 66

(Greensprings) and south of Balsam Drive in the Stewart Lenox area and is a portion of section 12, Township 39 South, Range 8 East of the Willamette Meridian, Tax Lot 200, with access off Orindale and Balsam Drive, a paved street.

3. Water and sewer services are received from the City of Klamath Falls and power from Pacific Power & Light Company. The property is situated within Fire District no. 2.

4. Authority for the proposed zone change is found in section 47.030 of Article 47, paragraphs A and B, and hearings officer review procedure.

5. To the immediate east of the subject property is the Stewart Lenox Subdivision, where there is a mixture of residences and mobile homes. The zoning for the Stewart Lenox Subdivision is a Medium Density zone, a zone designated by the City of Klamath Falls. The zone change requested by the applicant would be compatible with the city zone. Lot sizes in the Stewart Lenox Subdivision average 7,500 square feet and the lot sizes proposed by the applicant range from 7,500 to 16,000 square feet. The subject property is undeveloped and has some native grass and sagebrush for vegetation. The property is properly related to streets that adequately serve the type of use proposed, and the subject property is adequate to facilitate the proposed use.

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

CONCLUSION

There is no reasonable basis upon which to deny the proposed zone change.

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ORDER

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

DATED this 28th day of July, 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 3rd day
of Aug A.D., 19 93 at 2:25 o'clock P M., and duly recorded in Vol. M93
of Deeds on Page 19097
Evelyn Biehn County Clerk
By Pauline M. Muelen

FEE NO FEE