

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the matter of the request

for LOYD H. INGLIS and
JERRY ANDERSON

) ZONE CHANGE

) NO. ZC 9-93

This matter came before Michael L. Brant, Hearings officer for Klamath County, Oregon, on October 8, 1993, in the Klamath 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. Carl Shuck 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. Loyd H. Inglis and Jerry Anderson were present. The report prepared by staff was read and contents thereof were received in evidence. Exhibits A through V were received. Applicant Loyd H. Inglis testified as did numerous residents of areas adjacent to and nearby the subject property. 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 RL to RM in order to develop approximately 16.26 acres into a manufactured home park that would include RV storage, a recreational center and a pond. The manufactured home park would have a total of 102 spaces.

2. The subject property is located east of Paterson Street, south of the Third Addition to Wimema Gardens and Climax Street, and north of Simmers Avenue. The legal description is a portion of the SE 1/4 NW 1/4 of Section 1, Township 39 South, Range 9 East, Willamette Meridian, being tax lot 1900.

3. Authority for the proposed zone change is found in LDC section 47.030 of article 47.

4. The proposed change of zone designation is in conformance with the comprehensive plan and does not afford special privileges to an individual property owner not available to the general public.

5. The property affected by the change of zone designation is adequate in size and shape to facilitate any uses allowed in conjunction with such zoning, but the physical characteristics of the subject property are not adequate to facilitate the proposed uses.

6. The property affected by the change of zone designation is not properly related to streets and roads and to other public facilities to adequately serve the types of uses allowed in conjunction with such zoning. The county roads and streets are inadequate to accommodate the increased traffic flow which can reasonably be expected to be generated by the proposed use and access for emergency vehicles is inadequate. The applicants have not provided sufficient evidence to establish that the schools serving the area can adequately accommodate the increased school age population which the proposed usage can reasonably be expected to contribute.

7. The proposed use will have a significant adverse affect on the appropriate use and development of adjacent properties. The property adjacent to the subject property to the South, East and North is zoned RL and the property on the West is zoned RS.

8. The proposed change is not supported by specific studies or other factual information which documents the need for the change.

CONCLUSION

The area within which the proposed change is requested will not adequately provide for and support the proposed change.

ORDER

Based upon the findings and conclusions herein, the zone change from RL to RM as requested is denied.

DATED this 22nd day of October, 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 25th day
of Oct. A.D., 19 93 at 9:46 o'clock A. M., and duly recorded in Vol. M93
of Deeds on Page 27870.

Evelyn Biehn - County Clerk
By Christine Mulender

FEE none

Return: Commissioners Journal