

## BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a )  
 Zone Change by )  
 ) ZC 17-97  
 )  
 SCOTT and JULIE SOUDERS, )  
 )  
 ) ORDER  
 Applicants. )  
 \_\_\_\_\_ )

**A. NATURE OF THE REQUEST:**

The applicant wishes to change the zoning on approximately 2.5 acres zoned RM (Medium Density Residential) to RS (Suburban Residential). This request was heard by the Hearings Officer January 16, 1998 pursuant to Article 24 and 47. The request was reviewed for conformance with Land Development Code Article 47.030.

**B. NAMES OF THOSE WHO PARTICIPATED:**

The Hearings Officer in review of this application was Neal G. Buchanan. Applicant Scott Souders appeared and offered testimony. An additional person offering testimony was Rod Pfeiffer. The Planning Department was represented by Kim Lundahl, and the recording secretary was Karen Burg.

**C. LOCATION:**

The subject property is located on the northeast corner of Devonridge Drive and Greensprings Drive, Klamath County, Oregon. It is described as Lots 12 and 13, Devonridge..

**D. RELEVANT FACTS:**

A. ACCESS: The property is accessed by Devonridge Drive and Greensprings Drive.

B. FIRE PROTECTION: The property is within the area covered by KCFD #4.

C. LAND USE: The property is approximately 2.5 acres of undeveloped land.

D. SEWERAGE: The applicants indicate that the property can be served by City of Klamath Falls sewer service.

E. WATER: The applicants indicate that the property can be served by City of Klamath Falls water service.

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- F. **PLAN/ZONING:** The plan/zone designation of the project site and property is presently Medium Density Residential (RM)...

**E. RELEVANT CRITERIA:**

The standards and criteria relevant to this application are found in the Klamath County Land Development Code, Article 47.

**F. FINDINGS:**

1. All evidence submitted as the Staff Report, Exhibits A - C and offered testimony were considered in this Order.
2. With regard to the review criteria set forth in Article 47.030, the Hearings Officer makes the following findings:

**FINDING 1:** The Hearings Officer finds that 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 or outside the overall public interest for the change. It appears from the testimony and exhibits that the change will bring zoning of the property which is the subject of this application more into conformity with numerous nearby properties similarly zoned and used.

**FINDING 2:** The Hearings Officer finds that 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. A review of Article 51.5 reflects uses for which the subject property would be suitable.

**FINDING 3:** The property affected by the proposed change of zone designation is properly related to streets and roads and to other public facilities and infrastructures to adequately serve the types of uses allowed in conjunction with such zoning. Streets or roads are located on two sides of the subject property.


**FINDING 4:** The proposed change of zone designation will have no significant adverse effects on the appropriate use and development of adjacent properties. There was no showing of, nor is there any readily apparent significant adverse effects resultant from the requested change in zoning.

**FINDING 5:** The proposed change is supported by factual information which demonstrates the need for the change. The applicant has indicated a desire to initially pasture large animals on the property, and ultimately to construct a residence on the property. The applicant has also demonstrated the pasturing of large animals on adjacent parcels, making such use consistent with uses on adjacent or nearby parcels.

## G. ORDER:

Therefore, it is ordered that the request of SCOTT SOUDERS and JULIE SOUDERS for A ZONE CHANGE ZC 17-97 is approved.

Dated this 30th day of January, 1998.

  
NEAL G. BUCHANAN  
Hearings Officer

## NOTICE OF APPEAL RIGHTS

You are hereby notified that this Order 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 Article 33 of the Klamath County Land Development Code, together with the fee required within seven (7) days of the mailing date of this Order. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day  
of January A.D., 19 98 at 11:35 o'clock A. M., and duly recorded in Vol. M98  
of Deeds on Page 2950.

Return: Commissioners Journal

Bernetha G. Letsch, County Clerk

FEE No Fee

By Kathleen Koon