

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGON

In the Matter of the Request for a Zone Change)
) ORDER
 by: RICHARD AND CAROL GAY) CASE NUMBER ZC 1-29
)

1 NATURE OF THE REQUEST

The applicant, has applied for a zone change to change from R-5 to R01 on 3.68 acres generally located North of Overland Drive and East of Fieldcrest Rd, in Cedar Trails. This request was heard by the hearings officer March 24, 1999. The request was reviewed for conformance with Klamath County Land Development Code

2 NAMES OF PARTICIPANTS

The hearings officer reviewing this application is Joan-Marie Michelsen. The applicant appeared and offered testimony. The planning department was represented by Kim Lundahl. The recording secretary was Karen Burg. Neighbors of the applicant applied also.

3 LOCATION OF AND OVERVIEW OF PROPERTY

Port W 1/4 SE 1/4 Sec 20 T 40S R 8E, TA 4008-20D-100

4 MATERIALS CONSIDERED

All evidence submitted by the applicant and located in the Staff Report was considered as was the oral testimony given at the hearings of March 5 1999.

5 FINDINGS

The Hearings officer FINDS AS FOLLOWS:

- a This request was reviewed for compliance with article 47.
- b The property is divided from the rest of the property owned by this applicant by a major road
- c The applicant agrees to file a deed restriction and to not further divide the property nor to build or allow to be built more than one house on the property.
- d There does appear to be adequate services to the area

6 ORDER

Therefore, it is hereby ordered that the applicants request to rezone the area from R-5 to R-1 is approved conditionally

The applicant shall file a deed restriction within 15 days of this order on the parcel which limits the number of homes which may ever be constructed on this parcel to one and prohibits any subdivision of the parcel

Even though it is technically R1 zoning due to these restrictions the intent is to effectively limit this to a R 3.68 zoning.

The applicant shall send a copy of the deed restriction to the department within 20 days of this order.

Neither the applicant nor their successors in interest shall construct more than one dwelling on the parcel and the parcel shall not be subdivided at any time in the future.

Dated this March 24, 1999

Joan Marie Michelsen
Hearing Officer

NOTICE OF APPEAL RIGHTS

You are hereby notified this application 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 Section 33.004 of the Klamath County Land Development Code together with the fee required within SEVEN DAYS (7) following the mailing date of this order.

STATE OF OREGON COUNTY OF KLAMATH ss.

Filed for record at request of Klamath County the 26th day
of March A.D. 1999 at 11:58 o'clock A. M., and duly recorded in Vol. M99
of Deeds on Page 10715

Return: Commissioners Journal

Lance Smith, County Clerk

FEE

No Fee

by Kathleen Ross