

1413 KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE)
APPLICATION FOR AN)
ADMINISTRATIVE ZONE) O R D E R
CORRECTION NO. 75-38)
BY JO ANN STOY)

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11:30 am

This matter having come on before the Klamath County Planning Director upon the application by Jo Ann Stoy for an Administrative Zone Correction pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application No. 75-38 requesting a zone correction to permit the keeping of a maximum of twenty-one (21) chickens and nine (9) rabbits in an RD 20,000 (Residential Single Family) zone, a description of the real property referred to in said application being the south 80 feet, more or less, of Lot 12, Block 2 of Shasta View Tracts, Klamath County, Oregon, and being further described as being that certain 80 foot by 303 foot lot consisting of 24,200 square feet, more or less, lying on the west side of Patterson Street across from Cherry Way and said Planning Director having examined the application, and conducted other such studies as may be required, the Planning Director hereby makes the following findings of fact:

1. A description of the real property for which a zone correction is requested is the south 80 feet, more or less, of Lot 12, Block 2, Shasta View Tracts, Klamath County, Oregon, and being further described as being that certain 80 foot by 303 foot lot consisting of 24,200 square feet, more or less, lying on the west side of Patterson Street across from Cherry Way.
2. The land in question is currently zoned RD 20,000.

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3. The requested zone correction is to permit the keeping of twenty-one (21) chickens and nine (9) rabbits which were verified, in writing, by the following persons, all of Klamath Falls, Oregon, as having existed on said real property before the enactment of zoning. Said statements may be seen at reasonable times in the Administrative Zone Correction folder filed in the Klamath County Planning Office in the Klamath County Courthouse:

- a. Mrs. Lorna Patzke
6210 Cherry Way
- b. Andy Sheppard
5727 Washburn Way
- c. Mrs. E. H. Peery
Route 1, Box 55A

4. The part of Klamath County affected by the application was zoned on December 7, 1972.

5. Klamath County sanitarians have received complaints that indicate said animals were being kept in an unsanitary manner.

Based upon the above findings of fact, the Planning Director hereby makes the following conclusions of law:

1. The land in question was zoned unintentionally and erroneously to prohibit the keeping of twenty-one (21) chickens and nine (9) rabbits on said real property.

2. Prior to December 7, 1972, the land in question was actually used for the keeping of twenty-one (21) chickens and nine (9) rabbits and such use existed lawfully.

3. The proper zone district for the use lawfully existing prior to December 7, 1972, is the RD 20,000 zone with the further provision that twenty-one (21) chickens and nine (9) rabbits may be kept on said real property.

4. For the above-recited reasons, the Planning Director finds the applicant has a right in the keeping of twenty-one (21) chickens and nine (9) rabbits on said real property and that the

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zone correction necessary to provide for this substantial property right is accomplished by this ORDER and not by a change to another zone.

5. This ORDER is not to be construed as constituting any right to keep said animals in an unsanitary condition in violation of Oregon Health Rules.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-38 submitted by Jo Ann Stoy requesting a zone correction to permit the keeping of twenty-one (21) chickens and nine (9) rabbits in an RD 20,000 zone, a description of the real property referred to in said application being the south 80 feet, more or less, of Lot 12, Block 2, Shasta View Tracts, Klamath County, Oregon, and being further described as being that certain 80 foot by 303 foot lot consisting of 24,200 square feet, more or less, lying on the west side of Patterson Street across from Cherry Way, is hereby provisionally approved and that the county zoning maps be corrected to show such correction. Unless an appeal is filed prior to July 7, 1975 this ORDER shall become permanent.

DONE AND DATED THIS 5th day of June 1975.

Pat Borker
Klamath County Planning Director

APPROVED AS TO FORM

Robert D. Strim
County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY PLANNING DEPT.,
this 6th day of June A. D. 1975 at 11:30 o'clock AM., and
duly recorded in Vol. M 75, of DEEDS on Page 6308

NO FEE

By Wm D. MILNE, County Clerk
Hazel D. Drazic