

BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of OregonIN THE MATTER OF APPLICATION)
FOR ZONE CHANGE NO. 76-14)
BY DEAN SMART)

O R D E R

THIS MATTER having come on for hearing upon the application of Dean Smart, said change application being numbered Zone Change No. 76-14 for a change in zone from RA (Residential Agricultural) to C-5 (Commercial Highway) and a public hearing having been heard by the Klamath County Planning Commission on August 24, 1976, where from the testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, the Planning Commission continued the matter to September 14, 1976, for decision only at which time the Planning Commission recommended disapproval of Zone Change 76-14 for Dean Smart. Following action by the Planning Commission, a public hearing was regularly held on October 18, 1976, before the Board of County Commissioners, where from the testimony, reports and information produced at the hearing that there was substantial evidence for the action taken by the Planning Commission and that the application for Zone Change No. 76-14 for that certain property described as a parcel of land approximately 105 feet by 200 feet and generally located on the north side of Maryland Avenue, approximately 525 feet west of Altamont Drive and more specifically described as Lot 19, Block 4, First Addition to Altamont Acres should not be granted, the Board of County Commissioners makes the following findings of fact and conclusions of law as required by Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

Findings of Fact:

1. Present zoning is designated as RA (Residential Agricultural) and is in the proper zone.
2. There are properties available in commercially designated areas.
3. The site is not adequate in size and shape to accommodate commercial uses.

Conclusions of Law:

1. The property affected by the change of zone is not adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning.
2. The property affected by the proposed change of zone is not properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein.

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3. The proposed change of zone will have an adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. That the proposed change of zone is not in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.

5. The proposed change of zone is not in keeping with any land use plans duly adopted and does not, in effect, represent the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for Zone Change No. 76-14 by Dean Smart requesting a change of zone from RA (Residential Agricultural) to C-5 (Commercial Highway) on real property described as Lot 19, Block 4, First Addition to Altamont Acres is hereby denied.

DONE AND DATED THIS 23rd day of November, 1976.

Raymond P. Thorne
Raymond Thorne
Chairman of the Board

Bryant Williams
Bryant Williams
County Commissioner

Lloyd Giff
Lloyd Giff
County Commissioner

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Bradley H. Hager*

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS
this 7th day of DECEMBER A. D. 1976 at 11:37 o'clock A. M. and
duly recorded in Vol. M76 of DEEDS on Page 19612
NO FEE
W. D. MILNE, County Clerk
By *Hazel Quaglin*