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BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and For the County of Klamath, State of Oregon

IN THE MATTER OF APPLICATION FOR ZONE CHANGE 77-11 By Robert J. Potucek

ORDER

THIS MATTER having come on for hearing upon the application of Robert J. Potucek for a change in zone from RA (Residential Agriculture) to RD5000 (Residential Single Family). A public hearing having been heard by the Klamath County Planning Commission on July 26, 1977, where from the testimony, reports and information produced at the hearing by the applicant, members of the Klamath County Planning Department Staff and other persons in attendance, the Planning Commission recommended approval of the application. Following action by the Planning Commission, a public hearing before the Board of County Commissioners was regularly held September 6, 1977, where from the testimony it appeared that the record below was accurate and complete and it appearing from testimony, reports and information produced at the hearing below, that the application for a change on certain real property described as being a portion of Lot 1, Tax Lot 100 of Vicory Acres and located on the SE corner of Shasta Way and Homedale Road should be granted.

The Board of Commissioners made the following Findings of Fact and Conclusions of Law as required by Ordinance No. 17, the Klamath County Zoning Ordinance.

FINDINGS OF FACT:

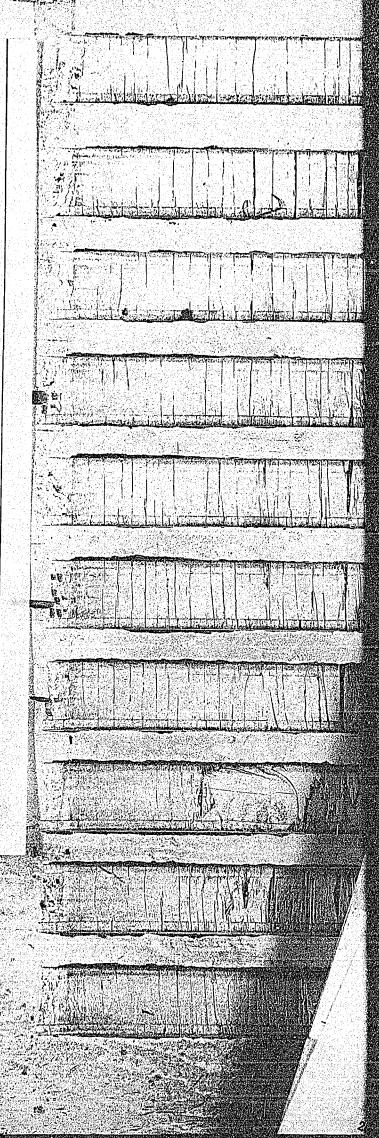
1. Testimony from the Klamath County Planning Staff on July 26, 1977 indicated to the Planning Commission that the proposed site is located on the SE corner of Shasta Way and Homedale Road.

And Supplements

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2. On July 26, 1977, before the Planning Commission, the Planning Department Staff testified that applicant's access could be off of Homedale Road and Shasta Way, with the access being adequate in width to carry the type of traffic generated by the proposed zone change.

- 3. Testimony on July 26, 1977, indicated that Shasta Way and Homedale Road were paved streets and can carry the type of traffic generated by the proposed use, that being Single Family Residence.
- 4. It was pointed out to the Planning Commission on July 26, 1977 that there were other RD5000 (Single Family Residence) zones in the area and therefore the change of zone would be in keeping with land uses and trends in that particular area.
- 5. Testimony presented to the Planning Commission on July 26, 1977, indicates that the change from RA (Residential Agriculture) to RD5000 (Single Family Residence) would have no adverse effect on abutting properties.
- 6. Applicant testified to the Planning Commission on July 26, 1977, in regards to need, that several people had inquired into purchasing the existing residence on the property which was the proposed site for the proposed zone change.
- 7. It was pointed out to the Planning Commission by the applicant that the best and most appropriate use of the proposed site would be for Single Family Residence since there is an existing house already at the proposed site for the proposed zone.
- 8. Testimony which was presented to the Planning Commission on July 26, 1977, by the Klamath County Planning Staff,

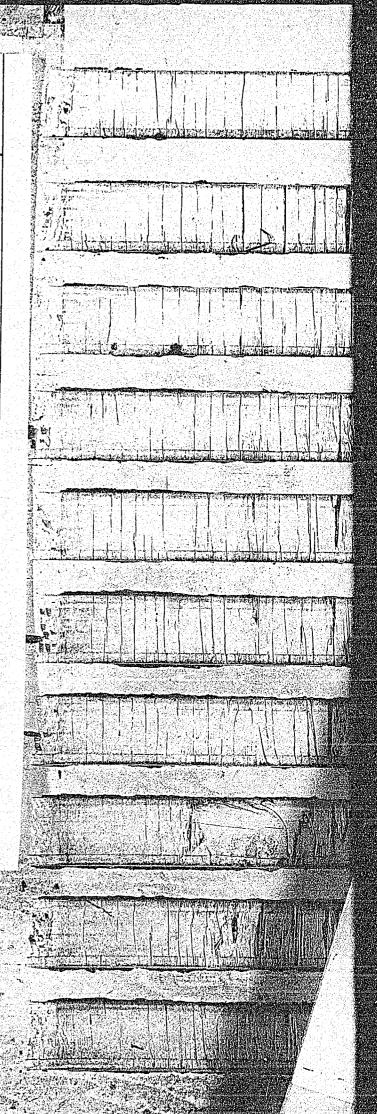


indicated that the Comprehensive Land Use Plan is in conformance and therefore no change of the Comprehensive Land Use Plan is needed CONCLUSIONS OF LAW:

- 1. The property affected by the change of zone is 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 properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
- 3. The proposed change of zone will have no 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 in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected.
- 5. That the proposed change of zone is in keeping with land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Robert J. Potucek for a change in zone from RA (Residential Agriculture) to RD5000 (Single Family Residence) on real property described as being a portion of Lot 1, Tax Lot 100 of Vicory Acres and located in TS39, R9 Sec 2 and generally located on the SE corner of Shasta Way and Homedale Road is hereby granted.

DONE AND DATED THIS 30 day of September, 1977.



Commissioner APPROVED AS TO FORM: Boivin, Boivin and Aspell County Legal Counsel STATE OF OREGON; COUNTY C. KLAMATH, Sc. strume I hereby certify that the within instrument was received and filed for record on the 4th day of October A.D., 19 77 at 9:25 o'clock A M., and duly recorded in Vol M77 WM. D. MILNE, County Clerk FEE no fee