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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.



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

6           3. Testimony on July 26, 1977, indicated that Shasta Way  
7 and Homedale Road were paved streets and can carry the type of  
8 traffic generated by the proposed use, that being Single Family  
9 Residence.

10           4. It was pointed out to the Planning Commission on  
11 July 26, 1977 that there were other RD5000 (Single Family Residence)  
12 zones in the area and therefore the change of zone would be in  
13 keeping with land uses and trends in that particular area.

14           5. Testimony presented to the Planning Commission on  
15 July 26, 1977, indicates that the change from RA (Residential  
16 Agriculture) to RD5000 (Single Family Residence) would have no  
17 adverse effect on abutting properties.

18           6. Applicant testified to the Planning Commission on  
19 July 26, 1977, in regards to need, that several people had inquired  
20 into purchasing the existing residence on the property which was  
21 the proposed site for the proposed zone change.

22  
23           7. It was pointed out to the Planning Commission by the  
24 applicant that the best and most appropriate use of the proposed  
25 site would be for Single Family Residence since there is an existing  
26 house already at the proposed site for the proposed zone.

27           8. Testimony which was presented to the Planning Com-  
28 mission on July 26, 1977, by the Klamath County Planning Staff,



1 indicated that the Comprehensive Land Use Plan is in conformance  
2 and therefore no change of the Comprehensive Land Use Plan is needed.

3 CONCLUSIONS OF LAW:

4 1. The property affected by the change of zone is ade-  
5 quate in size and shape to facilitate those uses normally allowed  
6 in conjunction with such zoning.

7 2. The property affected by the proposed change of zone  
8 is properly related to streets and highways to adequately serve the  
9 type of traffic generated by such uses that may be permitted there-  
10 in;

11 3. The proposed change of zone will have no adverse  
12 effect or only limited adverse effect on any property or the per-  
13 mitted uses thereof within the affected area.

14 4. That the proposed change of zone is in keeping with  
15 any land use plans duly adopted and does, in effect, represent the  
16 highest, best and most appropriate use of the land affected.

17 5. That the proposed change of zone is in keeping with  
18 land uses and improvements, trends in land development, density of  
19 land development, and prospective needs for development in the af-  
20 fected area.

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

27 DONE AND DATED THIS 30 day of September, 1977.  
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18841

*Lloyd Giff*  
Lloyd Giff  
Chairman

*Nell Kuonen*  
Nell Kuonen  
Commissioner

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10 APPROVED AS TO FORM:  
11 Boivin, Boivin and Aspell  
12 County Legal Counsel

13 By: *Harry J. Boivin*

STATE OF OREGON; COUNTY OF KLAMATH, ss.  
I hereby certify that the within instrument was received and filed for record on the 4th day of  
October A.D., 1977 at 9:25 o'clock A M., and duly recorded in Vol. M77  
of Deeds on Page 18838.

FEE no fee

WM. D. MILNE, County Clerk  
By *Bernetha D. Hatch* Deputy

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