

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

IN THE MATTER OF APPLICATION FOR )  
COMPREHENSIVE LAND USE PLAN MAP )  
CHANGE ASSOCIATED WITH THE )  
APPLICATION FOR ZONE CHANGE 76-27 )  
BY PAUL H. FAIRCLO )

O R D E R

THIS MATTER having come on for hearing upon the application of Paul H. Fairclo for a change in the Comprehensive Land Use Plan accompanying Zone Change 76-27 from Heavy Industrial to Suburban Density on the Comprehensive Land Use Plan map. A public hearing having been heard by the Klamath County Planning Commission on November 23, 1976, 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 Commissioners was regularly held on January 10, 1977, where from the testimony it appeared that the record below was accurate and complete and it appearing from the testimony, reports and information produced at the hearing below that the application for a change on certain real property described as being located in Section 31, Township 39, Range 10, Tax Lot 319-1 and generally located at a point where Hill Road makes a rightturn east running parallel to Lost River and more particularly described in Exhibit A, attached hereto and by reference made a part hereof, should be granted.

The Board of Commissioners makes 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 before the Planning Commission on November 23, 1976, by Staff from the Klamath County Planning Department, pointed out on Klamath County Exhibit C, being an assessor's map and made a part of the record, as proposed site being located south of Hill Road, as well as east of Hill Road.
2. Testimony indicated from Klamath County Exhibit C, being the assessor's map 88, that the legal description given to the Planning Commission was correct and accurate with that legal being: Township 39, Range 10, Section 31, Tax Lot 319-1.
3. Testimony on November 23, 1976, indicated property as that of triangle in shape, with property being approximately 2.5 acres in size, with Hill Road butting property to the west and a Quarry to the east of subject parcel.



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4. Testimony by Miss Fairclo, the applicant, on November 23, 1976, stated before the Planning Commission which was approximately 2.5 acres or about 87,900 square feet and, therefore, felt that the site was adequate to handle a house or a mobile home.

5. A letter introduced by the applicant, which was marked Applicant's Exhibit 1, from the Soil Conservation Service, which stated that the soils of the proposed site were not adequate for raising crops.

6. Testimony indicated to the Planning Commission that the surrounding area appeared to be an area of small farms or a residential-agricultural type use, such as the keeping of one horse or a couple of cows, a use that has been a dominant use in this particular area.

7. Testimony by applicants father, Mr. Fairclo, indicated to the Planning Commission on November 23, 1977, that the Quarry which abuts the proposed site to the east has not been utilized as a Quarry for approximately 70 years.

8. Testimony from the applicant and staff pointed out to the Planning Commission on November 23, 1976, that this particular site is an isolated piece of property, being bordered by Hill Road on two sides and by a Quarry to the east.

9. Applicant stated to the Planning Commission that the proposed site has been a parcel that has never been cultivated and lies above the Klamath Irrigation District irrigation ditch and, therefore, in effect, the Suburban Density designation represents the best and most appropriate use of the land affected.

Conclusions of Law:

1. The property affected by the Comprehensive Land Use Plan change is adequate in size and shape to facilitate those uses normally allowed in conjunction with such uses.

2. The property affected by the proposed Comprehensive Land Use Plan change 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 Comprehensive Land Use Plan change will have no adverse effect or only limited adverse effect on any property or the permitted uses thereof within the affected area.

4. The proposed Comprehensive Land Use Plan change is in keeping with land uses and improvements, trends in land development, density and prospective needs for development in the affected area.



ORDER: CLUP FOR ZONE CHANGE 76-27  
Paul H. Fairclo  
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5. The proposed Comprehensive Land Use Plan change represents the highest, best and most appropriate use of the land affected.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Paul H. Fairclo for a change in the Comprehensive Land Use Plan from Heavy Industrial to Suburban Density on the real property described in Exhibit A, attached hereto and by reference incorporated herein, is hereby granted.

DONE AND DATED THIS 18th DAY OF APRIL, 1977.

*Lloyd Gift*  
Lloyd Gift  
Chairman

*Nell Kuonen*  
Nell Kuonen  
Commissioner

*Raymond P. Thorne*  
Raymond P. Thorne  
Commissioner

APPROVED AS TO FORM:  
Boivin, Boivin & Aspell  
County Legal Counsel

By *Bridget J. Aspell*

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COMPREHENSIVE LAND USE PLAN CHANGE AND ZONE CHANGE 76-27  
PAUL H. FAIRCLO  
EXHIBIT "A"

Beginning at an iron pin located South 276.5 feet from the NE corner of Said Section 31, said point being on the Southerly boundary of the County Road; thence South 311.9 feet to an iron pin; thence S. 69° 30' W. 294.9 feet to an iron pin on the Easterly boundary of the county road; thence Northerly and Easterly following the Easterly and Southerly boundary of said County Road to the point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.  
Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS  
this 20th day of APRIL A. D. 19 77 at 12:40 o'clock PM and  
duly recorded in Vol. M 77, of DEEDS on Page 6723  
NO FEES

Wm D. MILNE, County Cl.

By Hazel Drazil

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