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Vol. <sup>m</sup> 77 Page 6727

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

IN THE MATTER OF 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 zone from AF (Agricultural Forestry) to RA (Residential Agricultural). 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 County 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 right turn 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.



4. Testimony by staff and applicant pointed out to the Planning Commission that access off of the proposed site would be onto Hill Road, which abuts property to the west.

5. Testimony by the applicant, before the Planning Commission on November 23, 1976, indicated that this proposed change of zone would not have an adverse effect on the County road, being Hill Road, which is paved, as the use of the land would be for a mobile home and, therefore, the increase of traffic would possibly be two cars at the most.

6. On November 23, 1976, Staff indicated to the Planning Commission that there were mobile homes in the area. One was located to the north of the site and another to the south with mobile homes scattered to the east along Hill Road.

7. Staff pointed out to the Planning Commission on Klamath County Exhibit D, the Zoning map, which was made part of the record on November 23, 1976, that with a change of zone to Residential Agricultural that there would not be any adverse effects to other properties in the area as there were other Residential Agricultural zones in the area.

8. Applicant testified that trends in the area were that of an increase in small residences and that the site was within the Henley School District which makes for an ideal site.

9. Testimony on November 23, 1976, to the Planning Commission indicated that this proposed zone change is in keeping with the best use of this particular site, as described in Exhibit A, which is attached.

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 land uses and improvements, trends in land development, density of land development, and prospective needs for development in the affected area.



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5. 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Paul H. Fairclo for a change in Zone from AF (Agricultural Forestry) to RA (Residential Agricultural) on 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 Giff  
Lloyd Giff  
Chairman

Neil Kuonen  
Neil Kuonen  
Commissioner

Raymond P. Thorne  
Raymond Thorne  
Commissioner

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

By Bradford Aspell



COMPREHENSIVE LAND USE PLAN CHANGE AND ZONE CHANGE 76-27  
PAUL H. FAIRLOLO  
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. 1977 at 12:40 o'clock P.M., and  
duly recorded in Vol. M 77, of DEEDS on Page 6727  
NO FEE \$X  
Wm D. MILNE, County Clerk

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