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Vol. ^m 77 Page 18830
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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 77-9
By Jerry B. Sparks

ORDER

THIS MATTER having come on for hearing upon the application of Jerry B. Sparks for a change in zone from MHP (Mobile Home Park) to SP-1 (Rural Residential). 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 on 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 of zone on certain real property described as being 6.07 acres in size and generally located at the southeast corner of the intersection of Highway 97 and Day School Road. Further described as tax lot 100 located in Section 34, T35S, R7EWM and more particularly described in Exhibit "A", attached hereto and by reference made a part hereof, should be granted.

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

FINDINGS OF FACT:

1. On September 6, 1977, before the Planning Commission,

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1 the Planning Department Staff identified the subject property as
2 being generally located at the southeast of the intersection of
3 Highway 97 and Day School Road; further described as tax lot 100
4 located in Section 34 T35S, R7EWM and more particularly described
5 in Exhibit A, attached hereto and by reference made a part hereof.

6 2. Testimony before the Planning Commission confirmed
7 that the 6.07 acre site was adequate in size and shape for the
8 proposed use.

9 3. The Planning Department Staff and the applicant
10 testified to the fact that there are no other SP-1 (Rural Residential)
11 zones in the immediate area that could be utilized for the proposed
12 use.

13 4. The Planning Department Staff testified that access
14 to the property from Highway 97 would be adequate for the proposed
15 use.

16 5. The applicant and the Planning Department Staff
17 testified that there would be little or no adverse effect on ad-
18 joining properties as the proposed use would be more compatible
19 to the area than the uses under the present zoning.

20 6. The applicant testified that the people who would
21 utilize his service would have access to public land (Forest
22 Service) to the east on which they could ride the horses.

23 7. The applicant and a witness testified before the
24 Planning Commission that there is a definite need in the area
25 for a riding stable and a horse boarding facility. The nearest
26 such facility they knew of was at Diamond Lake which is approxi-
27 mately 65 miles away. The witness, Mrs. Kemberler, stated that she
28 had a need for such a facility and had talked with several people
in the Klamath area who expressed a desire for such a facility.

1 CONCLUSIONS OF LAW:

2 1. The property affected by the change of zone is
3 adequate in size and shape to facilitate those uses normally al-
4 lowed in conjunction with such zoning.

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

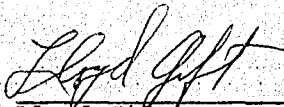
9 3. The proposed change of zone will have no adverse
10 effect or only limited adverse effect on any property or the per-
11 mitted uses thereof within the affected area.

12 4. That the proposed change of zone is in keeping with
13 land uses and improvements, trends in land development, density
14 of land development, and prospective needs for development in the
15 affected area.

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

19 NOW, THEREFORE, IT IS HEREBY ORDERED that the application
20 of Jerry B. Sparks for a change in zone from MHP (Mobile Home Park)
21 to SP-1 (Rural Residential) on real property described in Exhibit
22 A, attached hereto and by reference incorporated herein, is hereby
23 granted.

24 DONE AND DATED THIS 30 day of September, 1977.

25
26 
27 Lloyd Gift
28 Chairman

19583

Nell Kuonen
Nell Kuonen
Commissioner

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

By *Harry J. Boivin*

18833 -A"

EXHIBIT "A"
JERRY B. SPARKS
CLUP-ZC 77-9

A parcel of land approximately 6.07 acres in size generally located on the southeast corner of Highway 97 and Day School Road and more particularly described as Starting at section corner common to Sections 27, 28, 33, 34 Township 35 South, Range 7 East, Willamette Meridian, Oregon; thence west on section line common to Section 28 & 33, 672.32 feet to the east line of the Dalles - California highway right-of-way; thence along said east line of the Dalles - California highway right-of-way 423.8 feet in a southeasterly direction to a point; thence east 594.92 feet to a line common to sections 33 & 34; thence north 417.42 feet on section line common to sections 33 & 34 to point of beginning, containing 6.07 acres, more or less; being part of the Nellie Blair allotment No. 539, Klamath County, Oregon.

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., 19 77 at 9:25 o'clock A M., and duly recorded in Vol. M77 of Deeds on Page 18830.

FEE no Fee

WM. D. MILNE, County Clerk

By Bernard J. Letcher Deputy