

39892

KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE)
APPLICATION FOR AN)
ADMINISTRATIVE ZONE)
CORRECTION NO. 77-7)
BY H.E. PHILLIPS AND)
WILMA M. PHILLIPS)

O R D E R

This matter having come on before the Klamath County Planning Department upon the application by H. E. PHILLIPS AND WILMA M. PHILLIPS for an Administrative Zone Correction No. 77-7, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from AF (Agricultural Forestry) zone to A (Agriculture) zone, a description of the real property referred to in said application being:

A tract of land situated in Lot 4, Section 7, Township 35 South, Range 7, EWM of Klamath County, Oregon and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4, Section 7, Township 35 South, Range 7, EWM, and running thence North along the East line of said Lot 4, 606.5 feet; thence West 319.1 feet; thence South, parallel to the said East line of said Lot 4, 606.5 feet to the South line of said Lot 4; thence East 319.1 feet to the point of beginning.

said application having been examined and such studies conducted as were required, the following findings of fact are set forth:

1. A description of the real property for which a zone correction is requested is as follows:

A tract of land situated in Lot 4, Section 7, Township 35 South, Range 7, EWM of Klamath County, Oregon and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4, Section 7, Township 35 South, Range 7, EWM, and running thence North along the East line of said Lot 4, 606.5 feet; thence West 319.1 feet; thence South, parallel to the said East line of said Lot 4, 606.5 feet to the South line of said Lot 4; thence East 319.1 feet to the point of beginning.

2. The land in question is currently zoned AF (Agricultural Forestry) and the requested zone correction is for A (Light Agriculture).

3. The part of Klamath County affected by the application was zoned on December 7, 1972.

4. The Comprehensive Land Use Plan for said property designates the applicant's land as Agricultural which is compatible with the Agricultural Forestry zone.

5. The property does not meet the minimum lot size in the Agricultural Forestry zone of 20 acres and subject lot was created prior to zoning as witnessed by the tax assessment statement from the Klamath County Assessor's office for the month and year of June, 1972. This statement shows the property as being 4.05 acres in size.

6. Article 32 (Agricultural Forestry Zone), Section 32.004 property development standards, of the Klamath County Zoning Ordinance No. 17 states in part:

The following property development standards shall apply to all land and buildings except that any lot held under separate ownership or of record on the effective date of this ordinance which is substandard in area or dimension, may be used subject to all other standards.

7. The above mentioned provision allows use of applicant's property as a substandard lot, therefore this administrative zone correction is not necessary.

Based upon the above findings of fact, the following conclusions of law are set forth:

1. Prior to December 7, 1972, the land in question was a substandard sized lot according to the Agricultural Forestry Zone.

2. Based upon Article 32, Section 32.005 of the Klamath County Zoning Ordinance No. 17, the property can be used as a substandard sized lot because it was created prior to December 7, 1972.

3. For the above recited reasons, the zone correction from AF (Agricultural Forestry) to A (Light Agriculture) is not necessary.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 77-7, submitted by H. E. PHILLIPS AND WILMA M. PHILLIPS requesting a zone correction from AF (Agricultural Forestry) zone to A (Light Agricultural) zone, a description of the real property referred to in said application being:

23437

A tract of land situated in Lot 4, Section 7, Township 35 South, Range 7, EWM of Klamath County, Oregon and being more particularly described as follows:

Beginning at the Southeast corner of Lot 4, Section 7, Township 35 South, Range 7, EWM, and running thence North along the East line of said Lot 4, 606.5 feet; thence West 319.1 feet; thence South, parallel to the said East line of said Lot 4, 606.5 feet to the South line of said Lot 4; thence East 319.1 feet to the point of beginning.

is hereby provisionally disapproved with the understanding that the property may be used for purposes listed in the AF (Agricultural Forestry) zone under Article 32 of the Klamath County Zoning Ordinance No. 17. Unless an appeal is filed prior to December 2, 1977, this ORDER shall become permanent.

DONE AND DATED THIS 2nd day of November 1977.

Peter M. Ward
Klamath County Planning Director

APPROVED AS TO FORM

Robert D. Simon
County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

led for record at request of BOIVIN & BOIVIN ATTYS
his 2nd day of DECEMBER 1977 at 4:38 o'clock P.M., or
tuly recorded in Vol. M77 of DEEDS on Page 23035

NO FEE

By Wm D. MILNE, County Clerk
Wm D. Milne