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Vol. 78 Page 9923

BOARD OF COUNTY COMMISSIONERS

Klamath Falls, Oregon

IN THE MATTER OF THE)  
APPLICATION FOR AN )  
ADMINISTRATIVE ZONE )  
CORRECTION NO. 78-1 )  
BY DAVID N. SELLERS )

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by David N. Sellers for an Administrative Zone Correction No. 78-1, 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 the S $\frac{1}{2}$  N $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 16, Township 39 South, Range 10 E.W.M., Klamath County, Oregon and being more generally described as follows:

Being East of Pine Grove Road, approximately 500 feet North of the Klamath Falls Lakeview Highway and approximately  $\frac{1}{2}$  mile South of Mallory Dr., said application having been examined and such studies conducted as were required, the following findings of fact are set forth:

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

1. A tract of land being Tax Lot 600 and 9.77 acres in size and situated in the S $\frac{1}{2}$  N $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 16, Township 39 South, Range 10 E.W.M., Klamath County, Oregon

1 and being more generally described as follows:

2 Being East of Pine Grove Road, approximately 500 feet  
3 North of the Klamath Falls, Lakeview Highway and approximately  
4 ½ mile South of Mallory Dr.

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

8 3. The part of Klamath County affected by the appli-  
9 cation was zoned on December 7, 1972.

10 4. The Comprehensive Land Use Plan for said property  
11 designates the Applicant's land as Agriculture which is com-  
12 patible with the Agricultural Forestry zone.

13 5. The property does not meet the minimum lot size  
14 in the Agricultural Forestry zone of 20 acres and subject lot  
15 was created prior to zoning as witnessed by the tax assessment  
16 statement from the Klamath County Assessor's office for the  
17 month and year of April, 1962. This statement shows the prop-  
18 erty as being 9.77 acres in size.

19 6. Article 32 (Agricultural Forestry) zone, Section  
20 32.004 property development standards, of the Klamath County  
21 Zoning Ordinance No. 17 states in part.

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

27 7. The above mentioned provision allows use of Appli-  
28 cant's property as a substandard lot, therefore this administra-

1 tive zone correction is not necessary.

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

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

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

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

14 NOW, THEREFORE, IT IS HEREBY ORDERED that Application  
15 No. 78-1, submitted by David N. Sellers requesting a zone  
16 correction from AE (Agricultural Forestry) zone to A (Light  
17 Agricultural) zone, a description of the real property referred  
18 to in said application being:

19 A tract of land known as Tax Lot 600 and situated in  
20 the S $\frac{1}{2}$  N $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 16, Township 39 South, Range 10E.W.M.  
21 Klamath County, Oregon and being more generally described as  
22 follows:

23 Being on the East of Pine Grove Road, approximately  
24 500 feet North of the Klamath Falls, Lakeview Highway and  
25 approximately  $\frac{1}{4}$  mile south of Mallory Drive, is hereby provi-  
26 sionally disapproved with the understanding that the property  
27 may be used for purposes listed in the AF (Agricultural Forestry)  
28 zone under Article 32 of the Klamath County Zoning Ordinance No.

9936

17. Unless an appeal is filed prior to May 14, 1978, this  
ORDER shall become permanent.

DONE AND DATED THIS 14th day of April, 1978.

*Jim Boivin*  
Klamath County Planning Director

APPROVED AS TO FORM  
Boivin & Boivin and Aspell

By: *Robert D. Boivin*  
County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~EXCEP~~

this 15th day of May

A. D. 1978

8:58

at 8:58 o'clock A.M., on

duly recorded in Vol. M78, of DEEDS

on Page 9933

FEE NONE

Wm D. MILNE, County Clerk

By *Bertha A. Litch*

*Commissioner Journal*