

1 BOARD OF COUNTY COMMISSIONERS

2 KLAMATH COUNTY, OREGON

3 IN THE MATTER OF THE APPLICATION)
4 FOR COMPREHENSIVE LAND USE PLAN)
5 CHANGE AND ZONE CHANGE 78-27 FOR) M I N O R I T Y R E P O R T
6 PAUL FAIRCLO)

7 THIS MATTER having come on for hearing upon the appli-
8 cation of Paul Fairclo, for a Comprehensive Land Use Plan change
9 from Agriculture to General Commercial and Zone Change from
10 AF (Agriculture Forestry) to C-5 (Commercial Highway) on real
11 property described as being in Section 36, Township 39, Range 9,
12 in Klamath County, Oregon, with said property being approximately
13 23 acres in size, was heard before the Planning Commission on
14 August 8, 1978 and August 22, 1978, wherefrom the testimony, re-
15 ports and information produced at the hearing by the Applicant,
16 the Planning Department Staff, and other persons in attendance,
17 the Planning Commission recommended disapproval of the application
18 to the Board of County Commissioners. Following actions by the
19 Planning Commission, a public hearing before the Board of County
20 Commissioners was held on October 3, 1978 and November 21, 1978,
21 wherefrom the testimony, reports and information on the record
22 below, the Board of County Commissioners voted to approve Compre-
23 hensive Land Use Plan change and Zone Change 78-27 for Pual Fair-

24 clo.
25 Minority Report: The Klamath County Zoning Ordinance,
26 Article 112.002(13) requires that in the event the decision of
27 the Board of County Commissioners for a Comprehensive Land Use
28 Plan change and Zone Change is not unanimous, the dissenting mem-
ber shall file a Minority Report, which will become part of the

1 record for such dissent within thirty (30) days after the entry of
2 aforesaid order.

3 The following constitutes my, Lloyd Gift, Minority
4 Report in the action taken by the Board of County Commissioners
5 -relative to Comprehensive Land Use Plan change and Zone Change
6 78-27.

7 FINDINGS OF FACT:

8 1. Testimony indicated site for change of Comprehensive
9 Land Use Plan and zone, that being for commercial uses, was not in
10 keeping with the uses in the area.

11 2. Testimony indicated that there were other available
12 commercial lands and therefore no need to change this 23 acres to
13 commercial.

14 3. Testimony indicated that agriculture uses were in
15 the area and therefore this in effect would be spot zoning.

16 CONCLUSIONS OF LAW:

17 1. The proposed change in the Comprehensive Land Use
18 Plan and zone would have an adverse effect on surrounding proper-
19 ties.

20 2. The proposed use is not in keeping with land uses
21 and trends in land development.

22 3. Proposed use is not in keeping with the type of
23 need for development in the affected area.

24 4. That the proposed use does not represent the highest,
25 best and most appropriate use of the land affected.

26 Incorporated above Findings of Fact and Conclusions of
27 Law for denial of Comprehensive Land Use Plan change and Zone
28 Change 78-27.

Dated: Dec 21 1972

Minority Report -
CLUP & ZC 78-27
Page 2

Lloyd Gift
Lloyd Gift, Member
Klamath County Board of Commissioners

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3rd day of
January A.D., 1972 at 8:46 o'clock A.M., and duly recorded in Vol. N 72
of DEEDS on Page 231.

FEE \$ONE

WM. D. CHIEF, County Clerk

By Jacqueline Metten