

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE
COMPREHENSIVE LAND USE
PLAN CHANGE ASSOCIATED
WITH ZONE CORRECTION NO.
74-54 BY JAMES FLOWERS
FOR FLOWERS BROTHERS, INC.

ORDER

This matter having come on for hearing upon the application of James Flowers for Flowers Brothers, Inc., said change application being numbered Zone Correction No. 74-54 and the Comprehensive Land Use Plan map for Area No. 7, having been heretofore recommended to be changed from Agriculture to Heavy Industrial designation by the Klamath County Planning Commission, a description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof, and a public hearing on said application having been regularly held on September 3, 1974, before the Board of Commissioners, and it appearing to said Board of Commissioners from the testimony, reports, and information produced at said hearing by the applicant, the Planning Commission and Planning Department, that the Comprehensive Land Use Plan should be changed, the Board of Commissioners makes the following findings of fact:

1. Flowers Brothers, Inc. had opened and operated a commercial gravel pit and rock quarry for the quarrying, processing and sale of rock products beginning in 1967, before the adoption of the Comprehensive Land Use Plan on August 22, 1972.
2. The Land Use Study preceding adoption of the Comprehensive Land Use Plan had not included the applicant's property and could not have properly identified the Heavy Industrial designation.
3. Section 11.007 and Article 112, as amended, of Ordinance No. 17, requires that Klamath County initiate correction of mapping errors on the Comprehensive Land Use Plan map.

Approved as to
Hart

ORDER: C.L.U.P. ASSOCIATED WITH
ZONE CORRECTION NO. 74-54
JAMES FLOWERS
Page 2 of 2

12544

4. The Klamath County Planning Director affirmed that a mapping error had been made on the Comprehensive Land Use Plan map.

Based upon the above findings of fact, the Board reaches the following conclusions of law:

1. The Planning Commission acted properly in initiating and recommending to the Board of Commissioners a correction from Agriculture to Heavy Industrial designation, but limited to sand, gravel and rock products quarrying, processing and sale; and

2. There was a mapping error on the Comprehensive Land Use Plan map; and

3. The Comprehensive Land Use Plan map, as originally adopted, should have shown the Heavy Industrial designation on the applicant's property.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Comprehensive Land Use Plan change associated with the application for Zone Correction No. 74-54, involving the map designated Area Map No. 7, the application for said land use change being from Agriculture to Heavy Industrial, a particular description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof, is hereby approved because of a mapping error.

DONE AND DATED THIS 23rd day of Sept. 1974.

Bryan Williams
Chairman of the Board

Ralph
County Commissioner

Lloyd Giff
County Commissioner

Approved as to form

Harry D. Blavin
Harry D. Blavin, Legal Counsel

EXHIBIT A
LEGAL DESCRIPTION
ZONE CHANGE 74-54

That property generally located 1500 feet west of the Southern Pacific Railroad and Highway 97 at a point approximately 3-1/2 miles southwesterly of where Lower Klamath Lake Highway intersects Highway 97 and more particularly described as beginning at a point which is 426.2' south and 787.7' east of the northwest corner of said Section 23, Township 40 So., Range 8 EWM, thence running south 33°57' E. 1000'; thence W. 450'; thence N. 33°57' W. 1000'; thence E. 450' to point of beginning, in Klamath County, Oregon, being 10 acres in size, more or less.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed 10:00 a.m. 10/20/2014
this 24th day of Sept. A. D. 1274, at 12:00 o'clock P.M., and
duly recorded in Vol. M-74, of Deed on Page 1043
W. D. MILNE, County Clerk

No Fee

By Wm D. MILNE, County Clerk

No. 1
on the