

35881

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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.  
74-70 BY OREGON STATE  
HIGHWAY DIVISION

O R D E R

This matter having come on for hearing upon the application of the Oregon State Highway Division, said change application being numbered Zone Correction No. 74-70 and the Comprehensive Land Use Plan map, Area #5, having been heretofore recommended to be changed from Forestry to Heavy Industrial 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 November 26, 1974, before the Board of Commissioners, and it appearing to said Board of Commissioners from the testimony, reports, interested parties, 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. The State Highway Division had obtained a perpetual easement for a haul road to the subject property and a quarry on the subject property from the State Board of Forestry in November 1945, many years prior to the adoption of the Comprehensive Land Use Plan on August 22, 1972, and had operated the quarry subsequent to November 1945 and prior to August 22, 1972.

2. The Land Use Study preceding the adoption of the Comprehensive Land Use Plan had not included the subject property and could not have properly identified the Heavy Industrial designation.

3. Section 11.007 and Article 112, as amended, of Ordinance Number 17, require that Klamath County initiate correction

RECEIVED  
DEC 18 1974  
9:30 am

ORDER: COMPREHENSIVE LAND USE PLAN  
ASSOCIATED WITH ZONE CORRECTION 74-70  
OREGON STATE HIGHWAY DIVISION  
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of mapping errors on the Comprehensive Land Use Plan map, and the Klamath County Planning Director affirmed that a mapping error had been made.

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 Forestry to Heavy Industrial designation on the subject property, but limiting the activity to sand, gravel and rock products quarrying, processing and sale.

2. There was a mapping error on the Comprehensive Land Use Plan maps which, as originally adopted, should have shown the Heavy Industrial designation, limited to the extraction, processing and storage of sand, gravel and rock products, on the applicant's property.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of the Oregon State Highway Division for a change in the Comprehensive Land Use Plan associated with Zone Correction 74-70, involving Area Map #5, the application for said land use change being from Forestry to Heavy Industrial, limited to the extraction, processing and storage of sand, gravel and rock products, a particular description of the real property 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 16th day of Dec 1974.

*James W. Williams*  
Chairman of the Board

*Logg J. J.*  
County Commissioner

Approved as to form

*Ray J. Brown*  
County Legal Counsel

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EXHIBIT A  
LEGAL DESCRIPTION  
ZONE CHANGE 74-70

A parcel of land lying in the NE $\frac{1}{4}$  and Lot 3, Section 14, Township 33 So., Range 7 $\frac{1}{2}$  EWM, Klamath County, Oregon, the said parcel being described as follows:

Beginning at a point which is 1101' So. and 2597' E. of the NW corner of Section 14, Township 33 So., Range 7 $\frac{1}{2}$  EWM; thence So. 20° 41' E a distance of 1950'; thence No. 69° 19' E. a distance of 650'; thence No. 20° 41' W. a distance of 1950'; thence So. 69° 19' W. a distance of 650' to the point of beginning.

The parcel of land to which this description applies contains 29.10 acres.

ALSO

A strip of land 30' wide to be used for a hauling road described as follows:

Commencing at the beginning point of above-described parcel; thence running westerly along the present hauling road to a connection with the Dalles-California Highway at or near Mile Post No. 245.89 thereof.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS

this 18th day of DECEMBER A. D. 19 74 at 9:30 o'clock A M. and

duly recorded in Vol. N 74, of DEEDS on Page 16020

NO FEE

Wm D. MILNE, County Clerk

By Gazel Drayl