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BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE )  
APPLICATION FOR ZONE )  
CORRECTION NO. 74-16 )  
BY OSCAR H. CAPELLEN )

O R D E R

RECEIVED JAN 2 1975  
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This matter having come on for hearing upon the application of Oscar Capellen, said change application being numbered Zone Correction 74-16 and said application having been heretofore recommended from AF (Agriculture Forestry) to SP-1 (Rural Residential) zone 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 December 9, 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 application should be granted because of a mapping error, the Board of Commissioners makes the following findings of fact:

1. The applicant had created several parcels of less than 20 acres in size, under separate ownership, prior to the adoption of county-wide zoning on December 7, 1972.

2. The applicant is requesting a zone correction on his remaining approximately 7.5-acre parcel for residential and commercial purposes.

3. Section 11.007 and Article 112, as amended, of Ordinance No. 17, require that Klamath County initiate correction of mapping errors on the zoning map and the Klamath County Planning Director affirmed that a mapping error had been made.

ORDER: ZONE CORRECTION 74-16  
OSCAR H. CAPELLEN  
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4. The Planning Director affirms that land ownership and parcel size studies were not conducted on the applicant's property before zoning was instituted, and that a mapping error was made.

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

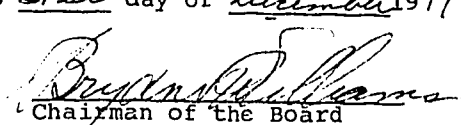
1. The Planning Commission acted properly in initiating and recommending to the Board of Commissioners a correction from AF (Agriculture Forestry) zone to SP-1 (Rural Residential) zone on the applicant's 7.5-acre parcel.

2. There was a mapping error and the zoning map, as originally adopted should have shown the residential and commercial uses on the applicant's property.

3. The application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application of Oscar H. Capellen for a zone correction from AF (Agriculture Forestry) zone to SP-1 (Rural Residential) zone, 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, said change application being numbered Zone Correction 74-16 is hereby approved because of a mapping error.

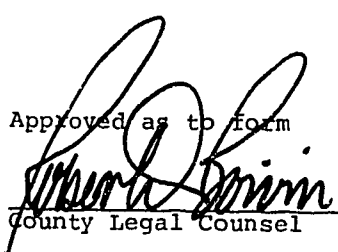
DONE AND DATED THIS 31st day of December 1977.

  
Chairman of the Board

County Commissioner

  
County Commissioner

Approved as to form

  
County Legal Counsel

## EXHIBIT A

OSCAR CAPELLEN

## LEGAL DESCRIPTION

ZONE CHANGE 74-16

A parcel of land approximately 7.5 acres in size, generally located at Dairy, Oregon, on the north side of Highway 140, between Highway 140 and the RR tracks, and more particularly described as that portion of the NW $\frac{1}{4}$  of Section 34, Township 38 So., Range 11 $\frac{1}{2}$  EWM, Klamath County, Oregon, lying NWly of the Klamath Falls-Lakeview Highway, less the following described land:

Beginning at a point on the 40 line 1062' E of the SW corner of the NW $\frac{1}{4}$  of said Section 34; thence No. 208.7' to a point; thence East parallel with said 40 line 208.7' to a point; thence South 208.7' to a point on said 40 line; thence West along said 40 line 208.7' to the point of beginning.

Also less: Beginning at a point on the Nly right-of-way line of the Klamath Falls-Lakeview Highway which lies East along the 40 line 1270.7' and North 450' from an iron pin in a mound of rocks which marks the NW corner of the SW $\frac{1}{4}$  of said Section 34; thence continued North 163.1' to an iron pin; thence South 29° 58' East 141.3' to an iron pin which lies in the Nly right-of-way line of the Klamath Falls-Lakeview Highway; thence South 60° 02' West along said Northly right-of-way line of said Highway 81.5 more or less to the point of beginning, excepting therefrom any portion lying within the right-of-way of the OC&E RR.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS  
 this 2nd day of JANUARY A. D. 1975 at 11:25 o'clock A.M., and  
 duly recorded in Vol. M 75, of DEEDS on Page 13

NO FEE

W. D. MILNE, County Clerk

*[Signature]*