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KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE)
APPLICATION FOR AN)
ADMINISTRATIVE ZONE)
CORRECTION NO. 75-22)
BY ROBERT L. HILL)

O R D E R

RECEIVED JUN 1 1975
12:30 pm

This matter having come on before the Klamath County Planning Director upon the application for an Administrative Zone Correction pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from AF (Agriculture Forestry) zone to RA (Residential Agriculture) zone, a description of the real property referred to in said application being that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 31, Township 34 So., Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying between Oregon Highway 422 and Oregon Highway 62, consisting of 46.6 acres more or less, and said Planning Director having examined the application, and conducted other such studies as may be required, the Planning Director hereby makes the following findings of fact:

1. A description of the real property for which a zone correction is requested is that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 31, Township 34 So., Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying between Oregon Highway 422 and Oregon Highway 62, consisting of 46.6 acres more or less.
2. The land in question is currently zoned AF (Agriculture Forestry).
3. The requested zone correction is for RA (Residential Agriculture).
4. The part of Klamath County affected by the application was zoned on December 7, 1972.

5. On September 1, 1971, Robert L. Hill executed a lease option agreement concerning the land in question for a purchase price of \$32,000 as shown on Exhibit A attached hereto and by reference made a part hereof for the purpose of dividing the land into three parcels.

6. A field inspection of the vicinity of applicant's land revealed a mixed pattern of suburban residential type uses with nearby lot sizes as small as one acre.

7. By my own knowledge, neither a land use study nor a parcel ownership study was conducted in the subject area prior to the adoption of zoning which would have revealed the ownership shown on Exhibit A.

8. The predominant residential type development and zoning in the Crater Lake Junction area map and Area Map No. 5 in the general vicinity of applicant's land is SP-1 (Rural Residential).

9. The Comprehensive Land Use Plan Map No. 5 designates applicant's land as Agriculture.

Based upon the above findings of fact, the Planning Director hereby makes the following conclusions of law:

1. The land in question was zoned unintentionally and erroneously.
2. Prior to December 7, 1972, the land in question was actually used as SP-1 (Rural Residential) and such use existed lawfully.
3. The proper zone district for the use lawfully existing prior to December 7, 1972 is SP-1 (Rural Residential).
4. The proper Comprehensive Land use Plan designation on applicant's land should be Recreation Residential.

ORDER: ADMIN. ZONE CORRECTION 75-22
ROBERT L. HILL
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NOW, THEREFORE, IT IS HEREBY ORDERED that application for Administrative Zone Correction No. 75-22, submitted by Robert L. Hill, requesting a zone correction from AF (Agriculture Forestry) zone to RA (Residential Agriculture) zone, a description of the real property referred to in said application being that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 31, Township 34 So., Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying between Oregon Highway 422 and Oregon Highway 62, consisting of 46.6 acres more or less, is hereby modified to constitute a correction on Zoning Map No. 5 for applicant's land from AF (Agriculture Forestry) to SP-1 (Rural Residential), and the Comprehensive Land Use Plan Map No. 5 correction from Agriculture to Recreation Residential designation is hereby provisionally approved and that the County zoning maps be corrected to show such zone correction. Unless an appeal is filed prior to July 4, 1975 this ORDER shall become permanent.

DONE AND DATED THIS 4th day of June 1975.

Pat Gordon
Klamath County Planning Director

APPROVED AS TO FORM

Robert L. Hill
County Legal Counsel

Option Agreement

EXHIBIT A

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This agreement entered into on this day, Sept. 1 1971, between Winema Peninsula Inc. (Lessor) and Robert L. Hill (leasee), concerning approximately 46 acres, described as; Section 31, twp. 34S, rng. 7 E. W.M., that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ that lies between the Dalles-Calif Hwy (Oregon Hwy # 422) and Oregon State Hwy # 62.

(The Leasee agrees to pay the Lessor an amount equal to 7% interest per annum on the agreed price of \$32,000.00, plus the real property taxes on the above described property until such time as he enters into a land sale contract to purchase the above property for the agreed price of \$ 32,000.00, with the terms of 20% down and the balance to be paid over 10 years, with interest at the rate of 7% per annum on the unpaid balance.

Leasee is entitled to possession of said land from Sept. 1, 1971, until such time as he defaults on the terms of this agreement.

Winema Peninsula Inc.
Lessor

J. A. Lange Co.

Robert L. Hill
Leasee

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY PLANNING DIRECTOR
12:30this 4th day of JUNE A. D. 1975 at 1 o'clock P.M., andduly recorded in Vol. M 75, of DEEDS on Page 6226

NO FEE

Wm D. MILNE, County Clerk

Hazel Drazile