

1990

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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. 75-34
BY WILLIAM BOND

O R D E R

This matter having come on before the Klamath County Planning Director upon the application by William Bond for an Administrative Zone Correction pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said Application No. 75-34 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 attached hereto, marked Exhibit A and by reference made a part hereof, 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 attached hereto, marked Exhibit A, and by reference made a part hereof.
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. William Bond purchased approximately 58 acres of land for \$12,000 in April 1960, of which the subject property is a portion, for the purpose of residential and agricultural purposes, as shown on Exhibit B attached hereto and by reference made a part hereof.

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2:50 pm

exhibits
finds
property
No. 75-34
from

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6. A field inspection of the property on June 3, 1975, revealed that the property was used on that date for pasture purposes, and adjacent parcels were used for agricultural purposes except for that parcel abutting the most northeasterly corner of applicant's property which is used for residential uses.

7. The A (Agriculture) zone appears to be the more appropriate zone for the applicant's property.

8. By my own knowledge, parcel ownership studies were not conducted prior to the adoption of zoning for the area, including the subject property, which would have revealed that the applicant's property existed under separate and not contiguous ownership.

9. Applicant secured approval for and installed a septic tank in 1972.

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 existed under separate and not contiguous ownership as a 4.9-acre parcel, more or less, and such use existed lawfully.

3. The proper zone district for the use lawfully existing prior to December 7, 1972 is A (Agriculture).

4. For the above-cited reasons, the Planning Director finds the zone correction necessary to provide for the applicant's property right is the A (Agriculture) zone.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-34, submitted by William Bond, requesting a zone correction from AF (Agriculture Forestry) zone to an A (Agriculture) zone,

the
Coun

ORDER: ADMIN. ZONE CORRECTION 75-34
WILLIAM BOND
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a description of the real property referred to in said application being as shown on Exhibit A attached, 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 21, 1975 this ORDER shall become permanent.

DONE AND DATED THIS 19th day of June 1975.

Pat Gordon
Klamath County Planning Director

APPROVED AS TO FORM

Robert Smith
County Legal Counsel

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EXHIBIT A

Legal Description

Ad. Z.C. 75-34
William Bond

(Tax Lot 256-1)

Beginning at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, T39S R9E WM. thence S.89 Deg. 57'W. 270.3 feet to a point; thence S.72 Deg. 41'W. 196.7 feet to a point; thence S.83 Deg. 19'W. 216.8 feet to a point; thence N.52 Deg. 23'W. 517.7 feet to a point; thence S.37 Deg. 37'W. 30.0 feet to a point on the North Right of Way of the U.S.B.R. No. 1 Drain; thence Easterly along the North R/W of said drain to an intersection with the West R/W of the U.S.B.R. "C" Canal; thence N.38 Deg. 45'E. along the West R/W of the "C" Canal to a point 431.0 feet South of the point of beginning; thence North 431.0 feet to the point of beginning.

Except the following portion conveyed to Richard and Myrtle Fleming described as follows: Beginning at the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 25, T39S R9E WM. thence West 260.0 feet to a point; thence South 126.0 feet to a point; thence East 260.0 feet to a point; thence North 128.0 feet to the point of beginning. Subject to easements and rights of way of record and apparent on the land.

Tract in paragraph one contains 4.9 acres more or less and is subject to easements and rights of way of record and apparent on the land.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY PLANNING DEPARTMENT

this 20th day of JUNE, A. D. 1975 at 2:50 o'clock P.M., and
duly recorded in Vol. M 75, of DEEDS on Page 7028

NO FEE

Wm D. MILNE County Clerk

Harold Duane