

3706

Vol. 714 18925

## 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. 75-11  
BY PATRICK A. AND  
DOROTHY FOSBERG

## O R D E R

AUG 1 1974

3:30 pm

This matter having come on before the Klamath County Planning Director upon the application of PATRICK A. AND DOROTHY FOSBERG for an Administrative Zone Correction No. 75-11, 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) SP-2 (Critical Deer Winter Range) zone to SP-1 (Rural Residential) zone, a description of the real property referred to in said application being the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 35 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, 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 the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 35 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.
2. The land in question is currently zoned AF SP-2 (Agriculture Forestry, Critical Deer Winter Range).
3. The requested zone correction is for the SP-1 (Rural Residential).
4. The part of Klamath County affected by the application was zoned on December 7, 1972, under Ordinance No. 17, the Klamath County Zoning Ordinance.

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5. The applicant, as evidenced by that certain Warranty Deed recorded in Klamath County Deed Records Vol. M71, Page 7385, purchased the land in question for \$1995 on July 14, 1971, prior to the adoption of zoning, for the purpose of a recreational home-site.

6. By my own knowledge, a parcel ownership study was not made in the vicinity of the applicant's property prior to the adoption of zoning, which would have disclosed applicant's five-acre parcel.

7. It is the policy of Klamath County to retain the SP-2 (Critical Deer Winter Range) designation when zoning changes are made in order to identify, on a continuing basis, areas of critical deer winter range.

8. The Comprehensive Land Use Plan map designates applicant's land as agricultural, whereas recreation-residential is the customary designation for such parcels.

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

1. The land in question was zoned AF (Agriculture Forestry) unintentionally and erroneously, but was zoned SP-2 (Critical Deer Winter Range) correctly.

2. Prior to December 7, 1972, the land in question was actually used as recreation-residential and such use existed lawfully.

3. The proper zone district for the use lawfully existing prior to December 7, 1972, is SP-1 SP-2.

4. For the above recited reasons, the Planning Director finds that the zone correction necessary is the SP-1 (Rural Residential) SP-2 (Critical Deer Winter Range) zone, and the Comprehensive Land Use Plan map correction necessary is the Recreation-Residential designation.

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NOW, THEREFORE, IT IS HEREBY ORDERED that application for Administrative Zone Correction No. 75-11, submitted by PATRICK A. AND DOROTHY FOSBERG, requesting a zone correction from AF (Agriculture Forestry) SP-2 (Critical Deer Winter Range) zone to an SP-1 (Rural Residential) SP-2 (Critical Deer Winter Range) zone, and a Comprehensive Land Use Plan map correction from Agriculture to Recreation-Residential designation, a description of the real property referred to in said application being the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, Township 35 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, is hereby provisionally approved and that the county zoning and land use plan maps be corrected to show such corrections. Unless an appeal is filed prior to September 1, 1975 this ORDER shall become permanent.

DONE AND DATED THIS 1st day of August 1975.

APPROVED AS TO FORM

Robert L. Swinn  
County Legal Counsel

Pat Golen  
Klamath County Planning Director

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY PLANNING DIRECTOR

this 1st day of AUGUST 1975 at 3:30 o'clock P. M., and

duly recorded in Vol. M 75 of DEEDS on Page 8925

NO FEE

Wm D. MILNE, County Clerk

By Hazel Dragic