

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. 75-26 )  
BY BYRON W., CAROL W., )  
HENRY FRANCIS, AND )  
BETTY BACCHI )

O R D E R

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 (Agricultural Forestry) Zone to SP-5 (Exclusive Farm Use) Zone, a description of the real property referred to in said application being shown on Exhibit A, attached hereto 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 as shown on Exhibit A, attached hereto and by reference made a part hereof.

(2) The land in question is currently zoned AF (Agricultural Forestry).

(3) The requested zone correction is for SP-5 (Exclusive Farm Use).

(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.

(5) Applicants purchased the land in question in 1962 for the purpose of continuing previous cattle grazing operations and have continued said operations without interruption since acquiring said land.

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9617

AD. Z.C. 75-26  
B. W., C. W., H. F., and B. Bacchi  
Page 2 of 2

(6) The Klamath County Comprehensive Land Use Plan presently designates applicants' land as Agriculture and it is customary to designate ranch lands Agriculture.

(7) By my own knowledge, neither land use studies nor parcel ownership studies were conducted on applicants' land prior to the adoption of the Klamath County Comprehensive Land Use Plan and Zoning Ordinance No. 17 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 was actually used as ranch land for cattle grazing and such use existed lawfully.

(3) The proper zone district for the use lawfully existing prior to December 7, 1972 is SP-5 (Exclusive Farm Use Zone).

(4) For the above recited reasons, the Planning Director finds that the zone correction necessary is the SP-5 (Exclusive Farm Use) Zone and no correction is required in the Comprehensive Land Use Plan map.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-26, submitted by Byron W., Carol W., Henry Francis, and Betty Bacchi, requesting a zone correction from AF (Agricultural Forestry) Zone to an SP-5 (Exclusive Farm Use) Zone, a description of the real property referred to in said application being as shown on Exhibit A, attached hereto and by reference made a part hereof, is hereby provisionally approved and that the County zoning maps be corrected to show such zone correction. Unless an appeal is filed prior to September 15, 1975, this ORDER shall become permanent.

DONE AND DATED THIS 15th day of August 1975.

*Pat Gordon*  
KLAMATH COUNTY PLANNING DIRECTOR

APPROVED AS TO FORM

*Robert L. Smith*  
County Legal Counsel

968

Ad. Z.C. 75-26  
Bacchi  
Exhibit A - Page 1

DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County,  
Oregon:

PARCEL 1:

A tract of land situated in Township 34 South, Range 7½ E.W.M.,  
more particularly described as follows:  
Beginning at the intersection of the East Section line of Section 6,  
Township 34 South, Range 7½ E.W.M., and the center line of the Seven  
Mile Canal as now located and constructed; thence Northwest along  
said center line to its intersection with the Township line between  
Township 34 South, Range 6 E.W.M. and Township 34 South, Range 7½  
E.W.M.; thence South along said Township to the North line of Parcel 1  
of property described in deed recorded August 2, 1961, in Deed  
Volume 331 at page 367; thence East 98 feet, more or less, to the  
Northeast corner of said Parcel 1 of property described in Deed at  
Volume 331 page 367; thence South along the East line of said deed  
to the North line of Parcel 2 of property described in Deed recorded  
August 2, 1961, in Deed Volume 331 page 367; thence Southeasterly  
along the North line of Parcel 2 of said deed to its intersection  
with the East line of the section line common to Section 19 and 30;  
thence North along the East line of said Section line to the South-  
east corner of the property described in the Deed recorded June 5,  
1958, in Deed Volume 299, page 646; thence West along the South line  
of the real property described in said Deed to the center line of  
the Dixon-McQuiston Canal; thence North along the center of said  
canal to the Northwest corner of the real property described in the  
Deed recorded May 17, 1956 in Deed Volume 283 page 212; thence East  
along the North line of the real property described in said Deed to  
the East line of Section 7; thence North along the East line of  
Section 7 and 6 to the point of beginning.



9609

AD. Z.C. 75-26  
Bacchi  
Exhibit A - Page 2

PARCEL 2:

A portion of the S $\frac{1}{2}$  of Section 20, Township 34 South, Range 7 $\frac{1}{2}$  E.W.M., described as follows:

Beginning at the intersection of the West line of Section 20 and the North line of property described in Deed Volume 331, page 367, records of Klamath County, Oregon; thence South 88°57' East along said North line a distance of 4,700 feet to a point; thence North a distance of 200 feet to a point; thence West to a point on the center line of a canal running Southeasterly through Section 20; thence Northwesterly along said center line of canal to the West line of said Section 20; thence South 2250 feet, more or less, along said West line of Section 20 to the point of beginning.

PARCEL 3:

The S $\frac{1}{2}$  of Section 36, Township 33 South, Range 6 E.W.M., less .56 acre road, and less the Westerly 269.59 acres heretofore conveyed by Fred Loosley to J. L. Jacobs.

Lots 1, 2, 3, 8 and 9, less that portion of Lots 2 and 3 lying West of center of Channel of Seven Mile Creek, all in Section 1, Township 34 South, Range 6 E.W.M.

Also, all that portion of Lots 7 and 10 of Section 1 in Township 34 South, Range 6 E.W.M., lying East of Seven Mile Creek, and more particularly described as follows: Beginning at the Northeast corner of said Lot 7; thence West along the North boundary of said Lot 7, 17.40 chains, more or less, to the center of Seven Mile Creek; thence Southerly along the centerline of Seven Mile Creek as follows: South 34°35' East 1.50 chains; thence South 15°58' West 4.60 chains; thence South 34°39' East 4.48 chains; thence South 22°46' West 4.60 chains; thence South 28°01' West 6.51 chains; thence South 30°33' West 3.00 chains; thence South 27°48' East 3.26 chains; thence South 45°10' East 5.77 chains; thence South 58°30' East 5.80 chains; thence South 29°02 $\frac{1}{2}$ ' East 4.04 chains; thence North 61°10' East 1.70 chains to the East line of Lot 10; thence North 0°07' East along the East line of lots 10 and 7, 35.08 chains, more or less, to the point of beginning.

9610

AD. Z.C. 75-26  
Bacchi  
Exhibit A - Page 3

PARCEL 4:

A parcel of land situate in Section 7 and 18, Township 34 South, Range 7½ E.W.M., more particularly described as follows:

Beginning at a point in the center line of the Dixon and McQuiston Center Canal, as the same is now located and constructed, from which the section corner at the Southeasterly corner of Section 1, Township 34 South, Range 6 E.W.M., as established by Norman D. Price, U.S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, bears North 0°04' West, along said center line of the center canal 4276.0 feet, to a point in the center line of the Seven Mile Canal, as the same is now located and constructed, and South 56°11' West 3923.8 feet to said corner, and running from said point of beginning East 2006.0 feet, more or less, to a point in the section line marking the Easterly boundary of the said Section 7, 1796.6 feet Southerly from the corner common to Sections 5, 6, 7 and 8, Township 34 South, Range 7½ E.W.M.; thence South 0°01½' West along said Section line 3441.4 feet, more or less, to the section corner common to sections 7, 8, 17 and 18, Township 34 South, Range 7½ E.W.M.; thence South 0°18½' West, along the section line marking the Easterly boundary of the said Section 18, 37.6 feet; thence West 2,000.3 feet, more or less, to a point in the center line of the said Dixon and McQuiston Center Canal; thence North 0°04' West, along the canal center line 3479.0 feet, more or less, to the point of beginning.

PARCEL 5:

A parcel of land situate in Section 18, Township 34 South, Range 7½ E.W.M., more particularly described as follows:

Beginning at a point in the center line of the Dixon and McQuiston Center Canal, as the same is now located and constructed, from which the section corner at the Southeasterly corner of Section 1, Township 34 South, Range 6 E.W.M., as established by Norman D. Price, U.S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, bears North 0°04' West along said center line of Center Canal, 7755.0 feet

to a point in the center line of the Seven Mile Canal, as the same is now located and constructed, and South 56°11' West 3923.8 feet to said corner, and running from said point of beginning East 2006.0 feet, more or less, to a point in the section line marking the Easterly boundary of said Section 18, 37.6 feet Southerly from the corner common to Sections 7, 8, 17 and 18, Township 34 South, Range 7½ E.W.M.; thence South 0°01½' West along said Section line 3441.4 feet, more or less, to the section corner common to sections 7, 8, 17 and 18, Township 34 South, Range 7½ E.W.M.; thence South 0°18½' West, along the section line marking the Easterly boundary of the said Section 18, 37.6 feet; thence West 2,000.3 feet, more or less, to a point in the center line of the said Dixon and McQuiston Center Canal; thence North 0°04' West, along the canal center line 3479.0 feet, more or less, to the point of beginning.

9611

AD. Z.C. 75-26  
Bacchi  
Exhibit A - Page 4

to a point in the center line of the Seven Mile Canal, as the same is now located and constructed, and South  $56^{\circ}11'$  West 3923.8 feet to said corner, and running from said point of beginning East 200.3 feet, more or less, to a point in the section line marking the Easterly boundary of said Section 18, 37.6 feet Southerly from the section corner common to Sections 7, 8, 17 and 18, Township 34 South, Range  $7\frac{1}{2}$  E.W.M.; thence South  $0^{\circ}18\frac{1}{2}'$  West along the said section line 3504.5 feet; thence West, 1977.3 feet, more or less, to a point in the center line of the said Dixon and McQuiston Center Canal; thence North  $0^{\circ}04'$  West along the canal center line 3504.4 feet, more or less, to the point of beginning.