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VOL. 115 11552

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. 75-42)
 BY DAN O'CONNOR)

O R D E R

This matter having come on before the Klamath County Planning Department upon the application of DAN O'CONNOR for an Administrative Zone Correction No. 75-42, 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 M-3 (Heavy Manufacturing-Industrial) zone, a description of the real property referred to in said application being that property situate in Sections 8 and 9, Township 39 So., Range 9 EWM, Klamath County, Oregon, and as further described in Klamath County Deed Records Vol. 157, Page 212, and said application having been examined and such studies conducted as were required, the following findings of fact are brought forth:

1. A description of the real property for which a zone correction is requested is that property situate in Sections 8 and 9, Township 39 So., Range 9 EWM, Klamath County, Oregon, and as further described in Klamath County Deed Records Vol. 157, Page 212.
2. The land in question is currently zoned AF (Agricultural Forestry).
3. The requested zone correction is for M-3 (Heavy Manufacturing-Industrial).
4. The part of Klamath County affected by the application was zoned on December 7, 1972, under Ordinance No. 17.
5. Applicant has operated a rendering plant on said

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real property since the early 1940's and utilizes the vacant land surrounding the rendering plant to sprinkle, via an installed underground system, plant effluents which cannot, by Department of Environmental Quality rules, be disposed of into the river.

6. There is a radio tower, together with associated underground cables and a trailer unit on a portion of the property shown on Exhibit A, attached hereto and by reference made a part hereof.

7. Prior to the adoption of zoning, a Land Use Study was conducted in the area and mistakenly identified applicant's property as an abandoned mill site used only for agricultural purposes.

8. The Comprehensive Land Use Plan map shows applicant's land under the agricultural designation.

Based upon the above findings of fact, the following conclusions of law are made:

1. The land in question was zoned unintentionally and erroneously.

2. Prior to December 7, 1972, the land in question was actually used as a heavy industrial site for a rendering plant and such use existed lawfully.

3. The proper zone district for the use lawfully existing prior to December 7, 1972, is the M-3 (Heavy Manufacturing-Industrial) zone.

4. The proper Comprehensive Land Use Plan designation on applicant's land is the Heavy Industrial use.

5. For the above recited reasons, it is determined that the zone correction necessary on the applicant's property

ORDER: ADMIN. Z. C. 75-42
DAN O'CONNOR
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is the M-3 (Heavy Manufacturing-Industrial) zone and the Comprehensive Land Use Plan correction necessary is the Heavy Industrial designation.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-42, submitted by DAN O'CONNOR, requesting a zone correction from AF (Agricultural Forestry) zone to an M-3 (Heavy Manufacturing-Industrial) zone, and a Land Use Plan map correction from Agriculture to Heavy Industrial, a description of the real property referred to in said application being that property situate in Sections 8 and 9, Township 39 So., Range 9 EWM, Klamath County, Oregon, and as further described in Klamath County Deed Records Vol. 157, Page 212, is hereby provisionally approved and that the county zoning and land use plan maps be changed to show such corrections. Unless an appeal is filed prior to *October 23, 1975*, this ORDER shall become permanent.

DONE AND DATED THIS *22nd* day of *September* 1975.

APPROVED AS TO FORM

Robert L. Scrim
County Legal Counsel

Archie W. Sudgen
Klamath County Planning Director

STATE OF OREGON,
County of Klamath
Filed for record at request of
Klamath County

on this *24* day of *Sept* A.D. 19 *75*
at *8:47* o'clock *a* M. and
recorded in Vol. *M 75* of *deed*
age *11552*

Wm. B. MILNE, County Clerk

By *Andy Smith* Deputy

None Co Comm Journal

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