

75.7

Vol. 75 Page 14353

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. 75-13)
 BY ELANORE PRIEST)

O R D E R

This matter having come on before the Klamath County Planning Director, upon the application for an Administrative Zone Correction No. 75-13 submitted by ELANORE PRIEST, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, requesting a zone correction from RD 10,000 (Residential Single Family) zone to M-2 (Medium Manufacturing Industrial) zone and RD 7,000 (Residential Single Family) zone, a description of the real property referred to in said application being the north 100 feet of Lots 4 and 5, Block 2, Bryant Tracts No. 2, located in the SE $\frac{1}{4}$ Section 34, Township 38 So., Range 9 EWM, Klamath County, Oregon, and said application having been examined and such studies conducted as were required, the following findings of fact are hereby set forth:

1. A description of the real property for which a zone correction is requested is the north 100 feet of Lots 4 and 5, Block 2, Bryant Tracts No. 2, located in the SE $\frac{1}{4}$ Section 34, Township 38 So., Range 9 EWM, Klamath County, Oregon.

2. The land in question is currently zoned RD 10,000 (Residential Single Family) and the requested zone correction is for M-2 (Medium Manufacturing Industrial) and RD 7,000 (Residential Single Family).

3. The part of Klamath County affected by the application was zoned on December 7, 1972.

ORDER: ADMIN. Z
 ELANORE P
 Page 2 of

4. Pr
 sided on the north
 auto body, auto repa
 said property, as sho
 Planning Department f
 reasonable times.

5. The su
 dential with a Comprehe
 Density Residential whic
 Based upon
 conclusions of law are ma

1. The land
 according to the primary r

2. Prior to D
 was actually used as a resio
 such use existed lawfully.

3. The proper z
 existing prior to December 7,
 Single Family) zone.

4. For the ab
 a vested right i
 of the

ORDER: ADMIN. ZONE CORRECTION NO. 75-13
ELANORE PRIEST
Page 2 of 3

145.0

4. Prior to the adoption of zoning, applicant resided on the north 60 feet of subject property and operated an auto body, auto repair and welding shop on the south 40 feet of said property, as shown on records on file in the Klamath County Planning Department File No. 75-13, and which can be seen at reasonable times.

5. The surrounding properties are generally residential with a Comprehensive Land Use Plan designation of Urban Density Residential which is not compatible with an M-2 use.

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

1. The land in question was zoned intentionally and according to the primary residential use.

2. Prior to December 7, 1972, the land in question was actually used as a residence and an auto repair garage, and such use existed lawfully.

3. The proper zone district for the use lawfully existing prior to December 7, 1972, is the RD 10,000 (Residential Single Family) zone.

4. For the above-recited reasons, the applicant has a vested right in the auto repair garage use, under Section 11.007 of the Klamath County Zoning Ordinance No. 17, and the zone correction is not necessary to provide for this right, because the auto repair garage use lawfully existed prior to the enactment of Ordinance No. 17, the Klamath County Zoning Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-13, submitted by ELANORE PRIEST, requesting a zone correction from RD 10,000 (Residential Single Family) zone to an M-2 (Medium Manufacturing Industrial) zone and RD 7,000 (Residential Single Family), a description of the real property referred to in said

ORDER:

ORDER: AMIN
ELANORE
Page

application be
Bryant Tracts N
So., Range 9 Eas
Oregon, is hereby
auto repair garage
appeal is filed p
shall become perma
DONE

APPROVED AS TO FORM
County Legal Counsel

STATE OF O
Filed for recor
this 25th

ORDER: AMIN. ZONE CORRECTION NO. 75-13
ELANORE Priest
Page 3 of 3

application being the north 100 feet of Lots 4 and 5, Block 2, Bryant Tracts No. 2, located in the SE $\frac{1}{4}$ Section 34, Township 38 So., Range 9 East of the Willamette Meridian, Klamath County, Oregon, is hereby disapproved with the understanding that the auto repair garage use is a lawfully existing use. Unless an appeal is filed prior to December 26, 1975, this ORDER shall become permanent.

DONE AND DATED THIS 24th day of November 1975.

Archie W. Sisson
Klamath County Planning Director

APPROVED AS TO FORM

Walter H. Hume
County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of KLAMATH COUNTY PLANNING DIRECTOR
this 25th day of NOVEMBER A. D. 1975 at 3:46 o'clock P.M., and
fully recorded in Vol. 1175 of DEEDS on Page 14899
FEE None Wm. D. MILNE, County Clerk

By *Hazel Dragic*

ORDER:

In

IN THE MATTER OF
APPLICATION
ADMINISTRATIVE
CORRECTION NO.
BY THE KLAMATH
PLANNING COMMISSION

75 NOV 25 PM 3 46

Planning Director
Correction No.
Commission, pur-
being the Klamath
requesting a zone
Residential - One
referred to in sa-
hereto and by ref-
having examined t-
as may be required
ing findings of fa-

1. A zone correction is and by reference made to the original application.
2. The zone correction is and the requested zone correction is One Acre).
3. The application was