

KLAMATH COUNTY PLANNING COMMISSION

In and For the County of Klamath, State of Oregon

IN THE MATTER OF)
 APPLICATION FOR AN)
 ADMINISTRATIVE ZONE)
 CORRECTION NO. 75-1)
 BY IVAN BROWN AND)
 RICHARD COE FOR)
 GRACE SCHABENER)

O R D E R

THIS MATTER having come on for hearing before the Klamath County Planning Department upon the application No. 75-1 by IVAN BROWN AND RICHARD COE FOR GRACE SCHABENER for an administrative zone correction pursuant to Article 117 of Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from F (Forestry) zone to C-5 (Commercial Highway) zone, a description of the real property referred to in said application being marked Exhibit A, attached hereto and by reference made a part hereof, and said application having been examined and such studies conducted as were required, the following findings of fact are made:

1. Applicant and deed holder Grace Schabener entered into a Contract of Sale with Arthur G. Arneson for subject property on the 24th of June, 1971.
2. Under Assignment of Contract dated July 17, 1972, Arthur G. Arneson assigned said contract to Ivan G. and Mary Lou Brown.
3. Under Assignment of Contract dated December 1, 1975, Ivan G. and Mary Lou Brown assigned said contract over to Richard W. Coe.
4. The land in question is currently zoned F (Forestry) and the requested zone correction is for the C-5 (Commercial Highway) zone.
5. Subject property is the site for an existing six-unit motel, grocery store and service station which were on the property at the time of purchase and had been operated by Mr. and Mrs. Schabener for thirty years.
6. The part of Klamath County affected by the application was zoned on December 7, 1972.
7. Land use studies conducted in the north county prior to the adoption of zoning did not extend to the applicant's property and, if conducted, would have revealed the above-described commercial uses.

Based upon the above findings of fact, the Planning Director

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ORDER: ADMINISTRATIVE ZONE CORRECTION NO. 75-1
IVAN BROWN AND RICHARD COE FOR GRACE SCHEBENER
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hereby makes the following conclusions of law:

1. The land in question was zoned F (Forestry) unintentionally and erroneously.
2. Prior to December 7, 1972, the land in question was actually used for highway commercial businesses and such uses existed lawfully.
3. The proper zone district for the use existing prior to December 7, 1972, is the C-5 (Commercial Highway) zone.
4. The land in question was designated Forestry on the Comprehensive Land Use Plan map unintentionally and should have been designated General Commercial.
5. For the above recited reasons the zone correction necessary for subject property shown on Exhibit A, attached hereto and by reference made a part hereof, is the C-5 (Commercial Highway) zone and the Comprehensive Land Use Plan map correction necessary is General Commercial.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-1 submitted by IVAN BROWN AND RICHARD W. COE FOR GRACE SCHABENER, requesting a zone correction from F (Forestry) to C-5 (Commercial Highway) and a Comprehensive Land Use Plan correction from Forestry to General Commercial, a description of the real property referred to in said application being described in Exhibit A, attached hereto and by reference made a part hereof, is hereby provisionally approved and that the county zoning and land use maps be corrected to show such changes. Unless an appeal is filed prior to March 11, 1976 this ORDER shall become permanent.

DONE AND DATED THIS 10th day of February 1976.

Archie W. Johnson
Planning Director

APPROVED AS TO FORM
Boivin and Boivin
Legal Counsel

BY Bradley A. Smith

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EXHIBIT A
LEGAL DESCRIPTION

Ad. A.C. 75-1

A tract of land lying in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) and the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section Twenty-four (24), Township Twenty-three (23) South, Range Nine (9) East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Commencing at the intersection of the Southeasterly right-of-way line of the Dalles-California Highway and the Northeasterly right-of-way line of Tumbo Drive as shown on the duly recorded subdivision "JACK PINE VILLAGE"; thence North 59°12' West, 300.00 feet to the Northwesterly right-of-way line of said highway; thence North 30°48' East, along said Northwesterly right-of-way line, 429.85 feet to the true point of beginning for this description; thence North 59°12' West, 170.00 feet; thence South 30°48' West, 200.00 feet; thence North 59°12' West, 271.88 feet to the approximate centerline of an irrigation canal; thence North 34°12' East, along said centerline, 593.04 feet; thence South 59°12' East, 406.71 feet to the said Northwesterly right-of-way line; thence South 30°48' West, along said Northwesterly right-of-way line 392.00 feet to the true point of beginning.

SUBJECT to rights, right-of-ways, easements, and covenants of record.

There is specifically reserved by the now owners, their heirs and assigns, for use in common with others, the privilege of use of the Access Roads to Oregon State Highway 97, such Access Roads being on the Northerly and Southerly portions of the above-described property.

STATE OF OREGON, }
County of Klamath } ss.

Filed for record at request of:
WM. SCHREIBER
on this 13 day of AUGUST A. D., 1971
at 11:40 o'clock A. M. and duly
recorded in Vol. M. 71 of MISCELLANEOUS
Page 8521

WM. D. MILNE, County Clerk.
By *Hazel Drazil* Deputy.
Fee \$10.50

1-05-71
A. C. Goodrich
RECORD, OREGON 87701

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 11th day of
FEBRUARY A.D., 1976 at 10:19 o'clock A. M., and duly recorded in Vol. M 76
of DEEDS on Page 1931.

FEE NONE

WM. D. MILNE, County Clerk
By *Hazel Drazil* Deputy