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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. 76-3) O R D E R
BY GEORGE PONDELLA)

THIS MATTER having come on before the Klamath County Planning Department upon the application of GEORGE PONDELLA for an Administrative Zone Correction pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application No. 76-3 requesting a zone correction from AF (Agricultural Forestry) zone to SP-1 (Rural Residential - 1 Acre) zone, a description of the real property referred to in said application being Tract 1055 - Saddle Mountain Estates, situated in Section 13, Township 35 So., Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described on 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. A description of the real property for which a zone correction is requested is Tract 1055 Saddle Mountain Estates, situated in Section 13, Township 35 So., Range 9 EWM, and more particularly described on Exhibit A, attached hereto and by reference made a part hereof.
2. The land in question is currently zoned AF (Agricultural Forestry) and the requested zone correction is for SP-1 (Rural Residential - 1 Acre).
3. The part of Klamath County affected by the application was zoned on December 7, 1972.
4. The subdivision plat, Tract No. 1055, was given preliminary approval by the Klamath County Planning Commission on December 28, 1971.
5. A zone correction on subject property was held in abeyance until a decision was made as to whether or not the applicant would record the plat. The intent at this time is to file the plat of record.
6. Subject parcel is presently surrounded by AF (Agricultural Forestry) land. About two-tenths of a mile to the north-west of subject parcel is land zoned RD 8,000 (Single Family Residential) and about one-quarter of a mile to the south is a large parcel zoned SP-1

7. The Comprehensive Land Use Plan designation for the property is Agriculture and Forestry. A correction in the Comprehensive Land Use Plan maps to Recreation Residential is required.

8. Properties in the immediate vicinity carry land use designations of Suburban Density Residential and Recreation Residential.

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 intended to be 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 (Rural Residential - 1 Acre)

4. Even if there had not been actual use of the land in question as Recreation Residential, substantial expenditures, as defined by the Klamath County Zoning Ordinance No. 17, were made prior to December 7, 1972, which are more consistent with the land's use as Recreation Residential than with any other use which could be made of the land.

5. For the above recited reasons, the Planning Department finds the applicant has a vested right in Recreation Residential uses and that the zone correction necessary to provide for this vested right is the SP-1 (Rural Residential - 1 Acre) zone.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-3 submitted by GEORGE PONDELLA, requesting a zone correction from AF (Agricultural Forestry) to SP-1 (Rural Residential - 1 Acre), and a Comprehensive Land Use Plan map correction from Agriculture and Forestry to Recreation Residential, on real property described as Tract 1055 - Saddle Mountain Estates, situated in Section 13, Township 35 So., Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described on Exhibit A, attached hereto and by reference made a part hereof, is hereby provisionally approved and that the county Comprehensive Land Use Plan and zoning maps be corrected to show such land use and zone correction. Unless an appeal is filed prior to April 2, 1976, THIS ORDER shall become permanent.

DONE AND DATED THIS 3rd day of March 1976.

APPROVED AS TO FORM
Boivin and Boivin
Legal Counsel

BY

Boivin and Boivin

Archibald W. Sisson
Klamath County Planning Director

TRACT No. 1055
SADDLE MOUNTAIN ESTATES³⁵
 SITUATED IN SECTION 13, T35S, R9E, WM.
 KLAMATH COUNTY, OREGON

EXHIBIT A
 LEGAL DESCRIPTION
 Ad. Z.C. 76-3

SURVEYOR'S CERTIFICATE

STATE OF OREGON
 COUNTY OF KLAMATH

We, Bob A. Dartch, Donald A. Gresdel and Albert H. Gotsfeldt, Surveyors, being first duly sworn depose and say that we have surveyed, subdivided and platted "Tract No. 1055, Saddle Mountain Estates", situated in Section 13, T35S, R9E W.M., Klamath County, Oregon being more particularly described as follows: Beginning at a 2 inch iron pin with a Brass Cap marking the NW corner of the SW 1/4 of said Section 13 and being the INITIAL POINT for this subdivision, thence N 88° 40' 34" E along the north line of said SW 1/4, 1622.76 feet to a 5/8 inch iron pin on the southerly right-of-way line of the Sprague River Highway; thence S 33° 11' 56" E along the said southerly right-of-way line, 423.57 feet to a 5/8 inch iron pin marking the beginning of a curve to the left, thence along the arc of a 2904.93 feet radius curve to the left (delta = 3° 50' 47", long chord = S 35° 07' 20" E 194.98 feet) 195.01 feet to a 5/8 inch iron pin at the end of curve and the intersection of said southerly right-of-way line with the northerly right-of-way line of Elde Street, a dedicated public street, thence S 52° 21' 46" W along said northerly right-of-way line of Elde Street, 238 feet to a 5/8 inch iron pin marking the beginning of a curve to the right, thence along the arc of a 70.00 foot radius curve to the right (delta = 31° 02' 27", long chord = S 67° 52' 59" W, 37.96 feet) 37.92 feet to a 5/8 inch iron pin at the end of curve, thence S 83° 24' 13" W 202.91 feet to a 5/8 inch iron pin on the southerly right-of-way line of Elde Street, thence S 06° 35' 47" E, 601.00 feet to a 5/8 inch iron pin, 703.78 feet to a 5/8 inch iron pin on the south line of the N 1/2 SW 1/4 of said Section 13, thence S 88° 47' 09" W along said south line N 1/2 SW 1/4, 1717.23 feet to a 5/8 inch iron pin marking the southwest corner NW 1/4 SW 1/4 of said Section 13, thence N 00° 11' 45" E along the west line of said Section 13, 1315.53 feet to the point of beginning containing 53.04 acres more or less.

Bob A. Dartch
 SURVEYOR

Donald A. Gresdel
 SURVEYOR

Albert H. Gotsfeldt
 SURVEYOR

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 4th day of MARCH A.D., 19 76 at 4:20 o'clock P M., and duly recorded in Vol. 76 of DEEDS on Page 3100.

FEE NONE

WM. D. MILNE, County Clerk,
 By Hazel Drake Deputy