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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. 76-2) O R D E R
 BY WINEMA PENINSULA, INC.)

THIS MATTER having come on before the Klamath County Planning Department upon the application for an Administrative Zone Correction by WINEMA PENINSULA, INC. pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application No. 76-2 requesting a zone correction from F (Forestry) zone to SP-1 (Rural Residential - 1 Acre) zone, a description of the real property referred to in said application being Tract No. 1050 - Winema Peninsula Unit #3, a 24.6-acre parcel located north of the city of Chiloquin and west of the Williamson River in the SE $\frac{1}{4}$ Section No. 27, Township 34 So., Range 7 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described in Exhibit A, attached hereto and by reference made a part hereof, and said application having been examined and other such studies conducted as were required, the following findings of fact are hereby made:

1. A description of the real property for which a zone correction is requested is Tract No. 1050 - Winema Peninsula Unit #3, a 24.6-acre parcel located north of the city of Chiloquin and west of the Williamson River in the SE $\frac{1}{4}$ Section 27, Township 34 So., Range 7 East of the Willamette Meridian, and more particularly described in attached Exhibit A.

2. The land in question is currently zoned F (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. 1050, was given preliminary approval by the Klamath County Planning Commission on September 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 wished to record the plat. The intent at this time is to file the plat of record.

6. The minimum lot size in the plat is 1 acre. There presently is SP-1 zoning to the north, west and south of subject parcel.

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7. The Comprehensive Land Use Plan designation for subject parcel is Residential Recreation and no change is required.

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. 76-2, submitted by Winema Peninsula, Inc., requesting a zone correction from F (Forestry) to SP-1 (Rural Residential), a description of the real property referred to in said application being Tract 1050 - Winema Peninsula Unit #3, a 24.6-acre parcel located north of the city of Chiloquin and west of the Williamson River in the SE 1/4 Section 27, Township 34 So., Range 7 EWM, Klamath County, Oregon, and more particularly described in 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 change. 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

[Signature]

[Signature]
Klamath County Planning Director

Tract No. 1050 - WINEMA PENINSULA - UNIT #3, described as

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beginning at a 2" iron pipe with Brass Cap marking the Northwest corner SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 27 and being the Initial Point for this subdivision; thence South 89° 58' 34" East along the boundary of said Winema Peninsula - Unit 2 Subdivision, 675.93 feet to a 5/8 inch iron pin on the Easterly boundary of said Winema Peninsula - Unit 2; thence leaving said subdivision boundary and continuing South 89° 58' 34" East, 525.07 feet to a 5/8 inch iron pin; thence South 00° 12' 00" East, 252.80 feet to a 5/8 inch iron pin; thence South 89° 58' 34" East, 278.00 feet to a 5/8 inch iron pin on the mean high water line of the Williamson River; thence Southerly along said mean high water mark the following courses and distances; South 01° 04' 37" East, 387.74 feet to a 5/8 inch iron pin; thence South 05° 47' 51" West, 263.92 feet to a 5/8 inch iron pin; South 22° 47' 23" East, 146.95 feet to a 5/8 inch iron pin; South 15° 05' 25" East, 278.83 feet to a 5/8 inch iron pin at the intersection of said mean high water line and the South line of said Section 27; thence leaving said mean high water line North 89° 59' 54" West along said section line, 909.36 feet to a 5/8 inch iron pin on the Easterly boundary of said Winema Peninsula - Unit 2; thence North 00° 12' 24" West along said subdivision boundary, 1248.05 feet to a 5/8 inch iron pin; thence North 89° 58' 34" West on a line through Block 9, Lots 12, 13 and 16 said Winema Peninsula - Unit 2, 1211.61 feet to a 5/8 inch iron pin on the Easterly right of way line of Incline Drive a duly dedicated public road; thence North 03° 35' 13" East along said right of way line, 60.11 feet to a 5/8 inch iron pin; thence leaving said right of way line South 89° 58' 34" East on a line through Block 9, Lot 16 said Winema Peninsula - Unit 2, 531.70 feet to the point of beginning.

The above described property is entirely within Section 27 T34S R7E WM.

EXHIBIT A ADMINISTRATIVE ZONE CORRECTION 76-2
WINEMA PENINSULA, INC.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Subscribed for record at request of Klamath County Planning Dept.

this 4th day of JANUARY A.D. 1976 at 4:20 P.M.

Subscribed in Vol. 476 of DEEDS on page 3112

NO 728

Wm D. MILNE, County Clerk

By Hazel Drake