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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. 76-1) O R D E R
BY DAWN PETERS)

THIS MATTER having come on before the Klamath County Planning Department upon the application by DAWN PETERS for an Administrative Zone Correction No. 76-1, 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 C-5 (Commercial Highway) zone, on that real property described in 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 and conclusions of law are made:

Findings of Fact:

1. A description of the real property for which a zone correction is requested is marked 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 to C-5 (Commercial Highway).
3. The part of Klamath County affected by the application was zoned on December 7, 1972.
4. The Comprehensive Land Use Plan for said property designates the applicant's land as Agriculture which is not compatible with the C-5 (Commercial Highway) zone.
5. Applicant purchased subject property on September 10, 1975, as evidenced by Contract for Sale filed in Klamath County Deed Records M75-11167, for the purpose of operating a restaurant on the premises.
6. Subject property was in use as a commercial establishment (tavern) prior to December 7, 1972, and up to the time of Contract for Sale to the applicant, as evidenced by tax statements filed in the Planning Department record files.

Conclusions of Law:

ORDER: ADMIN. ZONE CORRECTION NO. 76-1
DAWN PETERS
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1. The land in question was zoned unintentionally and erroneously.
2. Prior to December 7, 1972, the land in question was actually used as C-5 (Commercial Highway) and such use existed lawfully.
3. Land Use studies conducted prior to the adoption of the Comprehensive Land Use Plan and Zoning Ordinance No. 17 incorrectly identified the applicant's use of his land.
4. The proper zone district for the use lawfully existing prior to December 7, 1972 is C-5 (Commercial Highway).
5. The proper land use designation on applicant's property is General Commercial and a Comprehensive Land Use Plan map change from Agriculture to General Commercial is necessary in order to allow for the zone correction.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-1, submitted by DAWN PETERS, requesting a zone correction from AF (Agricultural Forestry) zone to C-5 (Commercial Highway) zone and a Comprehensive Land Use Plan map change from Agriculture to General Commercial on real property 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 plan maps be changed to show such corrections. Unless an appeal is filed prior to April 21, 1976, this ORDER shall become permanent.

DONE AND DATED THIS 22nd day of March 1976.

Audie W. Surber
Klamath County Planning Director

APPROVED AS TO FORM
Boivin and Boivin
Legal Counsel

BY Boivin

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EXHIBIT A

LEGAL DESCRIPTION

ADMIN. ZONE CORRECTION NO. 76-1

REAL PROPERTY:

A piece or parcel of ~~N. 36.00N. 36.00E.~~ of Section 1, Township 40 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point in the section line marking the easterly boundary of the said Section 1, Township 40 South, Range 9 East, W.M., 865.0 feet northerly from the quarter section corner on the said easterly boundary of said Section 1, and running thence South 39°55' West 179 feet, more or less, to a point; thence North 1°32' West 68.3 feet to a point; thence North 87°25' East to a point on the section line marking the easterly boundary of said Section 1, thence Southerly along the said section line to the point of beginning.

This property is generally located on the Klamath Falls-Malin Highway, about 1700' south of Old Midland Road.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of RENE ALI JERRY PLATT & DAUGHTER

this 22nd day of 12 1976 A.D. at 12:44 PM and

duly recorded in Vol. 76 of DEEDS on page 4078

Wm D. MILNE, County Clerk

By Hazel Drayne

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EXHIBIT A
LEGAL DESCRIPTION

ADMIN. ZONE CORRECTION NO. 76-5

Tax Lots 1800 and 1900, Section 13, Township 39 So., Range 8 EWM

The south 773' of NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 39 So., Range 8 East of the Willamette Meridian, Klamath County, Oregon, excluding a parcel of land described as beginning at the SW corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, Township 39 So., Range 8 EWM; thence north 92'; thence 90° east 300'; thence 90° south 92'; thence 90° west 300' to the point of beginning.

This property is generally located east of the Fairhaven Addition and north of the Klamath Falls-Ashland Highway.

OF OREGON, COUNTY OF KLAMATH, ss.
I, the undersigned, County Clerk, do hereby certify that the foregoing was
presented for record at request of KLAAMATH COUNTY, KLAAMATH FALLS, OREGON
his 22nd day of MARCH, A. D. 1976 at 2:44 p.m.
duly recorded in Vol. 476 of _____ on Page 4061
Wm. D. MILNE, County Clerk
By Hazel Brazil