

13151

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. 75-68 )  
BY JAMES S. ZBINDEN )

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by JAMES S. ZBINDEN for an Administrative Zone Correction No. 75-68, pursuant to Article 117, 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, said application having been examined and such studies conducted as were required, the following findings of fact and conclusions of law are made in accordance with Ordinance No. 17, the same being the Klamath County Zoning Ordinance:

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 F (Forestry) and the requested zone correction is for C-5 (Commercial Highway).
3. The part of Klamath County affected by the application was zoned on December 7, 1972.
4. Prior to December 7, 1972, a Union 76 station, a cafe, a house, two cabins and a duplex were located on applicant's property as witnessed by an appraisal card on record in the Klamath County Assessor's office; a copy of a modification of lease agreement submitted by the applicant dating the service station operation back to May 22, 1956; and sales contracts for restaurant equipment submitted by the applicant showing dates of purchase as March, 1972.
5. The Comprehensive Land Use Plan for said property designates the applicant's land as General Commercial and Suburban Density Residential. The General Commercial designation is compatible with the C-5 zone. See Exhibit B, Comprehensive Land Use Plan map, attached hereto and by reference made a part hereof.
6. Applicant's property abuts U. S. Highway 97 to the east at the

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ORDER: ADMIN. Z. C. 75-68  
JAMES S. ZBINDEN  
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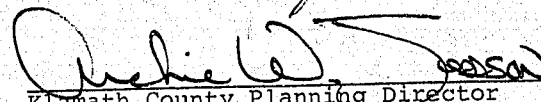
intersection of State Highway 230. Property south of applicant's parcel on U. S. Highway 97 contains other commercial properties including a service station, restaurant and a fruit stand, said property being zoned C-5. Across U. S. Highway 97, and south of State Highway 230 intersection, is a motel unit which is also zoned C-5.

Conclusions of Law:

1. The land in question was zoned unintentionally and erroneously.
2. Prior to December 7, 1972, a portion of the land in question was actually used for commercial purposes and such uses existed lawfully.
3. Land use studies conducted prior to the adoption of the Comprehensive Land Use Plan and Zoning Ordinance 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.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 75-68, submitted by JAMES S. ZBINDEN, requesting a zone correction from F (Forestry) to C-5 (Commercial Highway) and a Comprehensive Land Use Plan change from Suburban Density Residential on those portions now so designated to General Commercial on real property described on attached Exhibit A, 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 May 25, 1976 1976, this ORDER shall become permanent.

DONE AND DATED THIS 29<sup>th</sup> day of April 1976.

  
Klamath County Planning Director

APPROVED AS TO FORM  
Boivin and Boivin  
Legal Counsel

BY 



6314

EXHIBIT A

ZBINDEN

LEGAL DESCRIPTION

ADMIN. Z.C. 75-68

A tract of land in the SW $\frac{1}{4}$  Section 6, Township 29 South,  
Range 8 East of the Willamette Meridian, Klamath County,  
Oregon, and more particularly described as follows, to-wit:

Beginning at the SW corner of said Section 6; thence running  
north along the west line of said Section, 500 feet; thence  
east 500 feet; thence south 500 feet to the south line of said  
Section 6; thence west, 500 feet to the point of beginning;  
excepting therefrom that portion lying westerly of the east  
line of Highway 97.

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33.87 ACRES

Suburban Density

Commercial General

Forestry

PORTION FOR ZONE CORRECTION

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of  
APRIL A.D., 19 76 at 11:29 o'clock A M., and duly recorded in Vol. 6312  
of DEEDS on Page 6312

FEE NONE

WM. D. MILNE, County Clerk

By Kay P. Unice Deputy