

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. 76-16)
 BY ADRIEN LOVELY, SR.)

O R D E R

This matter having come on before the Klamath County Planning Department upon the application by ADRIAN LOVELY, SR. for an Administrative Zone Correction No. 76-16, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from SP-1 (Rural Residential) 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 are set forth:

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 SP-1 (Rural Residential) 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. The Comprehensive Land Use Plan for said property designates the applicant's land as Residential Recreation which is not compatible with the C-5 (Commercial Highway) zone.
5. Written statements submitted to the Planning Department from Donald R. Coffman, Jerry M. Mouser and Freddie N. Page indicate that a motel, restaurant and tavern were located and operating on subject property on December 7, 1972. All of these uses are allowed in the SP-1 zone subject to a Conditional Use Permit.
6. The motel on applicant's property burned down on June 30, 1976, and the applicant wishes to change the use from a motel to an overnight trailer park which is allowed in an SP-1 zone subject to a Conditional Use Permit.

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7. The use that existed on subject property prior to December 7, 1972, (motel, restaurant and tavern) are allowed to continue without a Conditional Use Permit in an SP-1 zone but any new use such as that proposed (overnight trailer park) is still subject to the granting of a Conditional Use Permit by the Planning Commission.

Based upon the above findings of fact, the following conclusions of law are set forth:

1. The land in question was zoned properly.
2. Prior to December 7, 1972, the land in question was actually used as a motel, restaurant and tavern and such use existed lawfully.
3. Land Use studies conducted prior to the adoption of the Land Use Plan and Zoning Ordinance correctly identified the applicant's use of his land.
4. The proper zone district for the use lawfully existing prior to December 7, 1972, is SP-1 (Residential Recreation).
5. The proper land use designation on applicant's property is Residential Recreation.
6. The uses that existed on the property on December 7, 1972, are allowed to continue without an administrative zone correction, as a result, this correction is not required.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-16, submitted by ADRIEN LOVELY, SR. requesting a zone correction from SP-1 (Rural Residential) 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, is hereby provisionally disapproved.

DONE AND DATED THIS 20th day of September, 1976.

Archie W. Judson
Klamath County Planning Director

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By *Bradford A. Boivin*

14868

EXHIBIT A
LEGAL DESCRIPTION
ADMINISTRATIVE ZONE CORRECTION NO. 76-16
ADRIEN LOVELY, SR.

A portion of land in Lot one Block one of Chapman Tracts which is situated in the North one half of the Southwest one quarter and the Northwest one quarter of the Southeast one quarter of Section 25, Township 23 South, Range 9 East, Willamette Meridian, Klamath County, Oregon. More particularly described as follows:

Commencing at the initial point of Chapman Tracts; thence South $30^{\circ}48'$ West 219.77 feet to the true point of beginning; thence South $68^{\circ}12'$ East 83.80 feet; thence North $30^{\circ}48'$ West 210.15; thence North $68^{\circ}12'$ West 83.80 feet; thence North $30^{\circ}48'$ East 210.15 feet to the true point of beginning. Containing .404 acres more or less.



VETERANS MEMORIAL BUILDING — 503-882-2501 — KLAMATH FALLS, OREGON 97601

14869

Klamath County - Planning Department

ADMINISTRATIVE ZONE CORRECTION
No. 76-16

DATE September 22, 1976

N O T I C E

SUBJECT: Information about Administrative Zone Correction proceedings for a parcel of property that may be of interest to you.

The Klamath County Planning Department has received application and completed an approval ORDER for an Administrative Zone Correction No. 76-16.

The enclosed ORDER provisionally approves the request for correction from the SP-1 (Rural Residential) zone to the C-5 (Commercial Highway) zone. Basically, the ORDER states that there was an error in zoning which is being recognized and corrected.

If you do not agree with this provisional ORDER, you have the right to appeal to the Klamath County Planning Commission for reconsideration. The appeal must be filed within 30 days from the date of mailing of this ORDER, or before 5:00 p.m. on 10/21/76.

The appeal procedure involves writing a letter to the Planning Department in which you state "I appeal Administrative Zone Correction No. 76-16 to the Klamath County Planning Commission." You must sign your letter and enclose a \$50 fee to cover processing costs.

If you require more information on this matter, please contact this office at 882-2501, Extension 285, or write to:

Klamath County Planning Department
Klamath County Courthouse
Klamath Falls, Oregon 97601

Archie W. Johnson
Klamath County Planning Director

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 22nd day of September A.D., 1976 at 2:49 o'clock P. M., and duly recorded in Vol. M76 of Deeds on Page 14866.

FEE no fee

WM. D. MILNE, County Clerk

By *Sandy DeCora* Deputy