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Klamath County - Planning Department

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

ADMINISTRATIVE ZONE CORRECTION
No. 76-27DATE May 2, 1977

NOTICE

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. 76-27.

The enclosed ORDER provisionally approves the request for correction from the AF (Agricultural Forestry) zone to the A (Light Agricultural) 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 May 31, 1977.

The appeal procedure involves writing a letter to the Planning Department in which you state "I appeal Administrative Zone Correction No. 76-27 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. Sorenson
Klamath County Planning Director

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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. 76-27)
BY SAMUEL S. SHAW)

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by Samuel S. Shaw for an Administrative Zone Correction No. 76-27, 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 A (Light Agricultural) zone, a description of the real property referred to in said application being the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Highway 97 and north and west of Del Fatti Road in Section 30, Township 39 South, Range 9, East of the Willamette Meridian, more particularly described in 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 the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Highway 97 and north and west of Del Fatti Road in Section 30, Township 39 south, Range 9 east of the Willamette Meridian, more particularly described in 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 A (Light Agricultural).
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 Agricultural which is compatible with the Light Agricultural zone.
5. The land in question, 14.40 acres is substandard in lot size, according to Article 32, Agricultural Forestry zone, Section 32.005, Property Development Standards of Klamath County Ordinance No. 17, minimum lot area shall not be less than twenty (20) acres. The real property described as being 14.40 acres was purchased September 1, 1972, according to applicant's deed on file at the Klamath County Assessor's Office.

ORDER: ADMINISTRATIVE ZONE CORRECTION NO. 76-27
Samuel S. Shaw
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Based upon the above findings of fact, the following conclusions of law are set forth:

1. The land in question was zoned unintentionally and erroneously.
2. Prior to December 7, 1972, the land in question was actually used as Light Agricultural 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 A (Light Agricultural).
5. The proper land use designation on applicant's property is Agricultural.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-27, submitted by Samuel S. Shaw requesting a zone correction from AF (Agricultural Forestry) zone to A (Light Agricultural) zone a description of the real property referred to in said application being the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying east of Highway 97 and north and west of Del Fatti Road in Section 30, Township 39 South, Range 9, East of the Willamette Meridian, more particularly 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 change to show such correction. Unless an appeal is filed prior to May 31, 1977, this ORDER shall become permanent.

DONE AND DATED THIS 2nd DAY OF May, 1977.

Archie W. Judson
Archie W. Judson
Klamath County Planning Director

APPROVED AS TO FORM:
Boivin, Boivin & Aspell
County Legal Counsel

By *Bradford Aspell*

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EXHIBIT A
ADMINISTRATIVE ZONE CORRECTION NO. 76-8
SAMUEL S. SHAW

"A"

The following described real property in Klamath County, Oregon:

The S 1/2 SW 1/4, SW 1/4 SE 1/4 lying East of Highway 97 and North and West of Del Fatti Road in Section 30, Township 39 South, Range 9 East of the Willamette Meridian,

EXCEPTING THEREFROM those portions described in Deed Volumes 298/348, 283/107, 311/518, 297/258, 346/191, 356/437, and M-71 /6706

AND ALSO EXCEPTING THEREFROM the SW 1/4 SE 1/4 and that portion of SE 1/4 SW 1/4 Section 30, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Easterly, from an 3/4" iron pipe located at the intersection of the North boundary of the SE 1/4 SW 1/4 and the Southeasterly highway right of way, 607 feet along a fence line, generally accepted as the North boundary of the SE 1/4 SW 1/4, to an 3/4" iron pipe, to the point of beginning; thence South 1° 54' 40" West a distance of 455.3 feet to a 3/4" iron pipe reference monument; thence South 1° 54' 40" West a distance of 10.3 feet to the center of an irrigation ditch; thence South 89° 41' 10" West along the center line of said irrigation ditch as the same is presently located and constructed, 285 feet; thence due South to the center line of Del Fatti Road a distance of 855 feet more or less; thence Easterly, along the center line of said road to the Southeast corner of the SE 1/4 SW 1/4; thence Northerly along the Easterly line of the SE 1/4 SW 1/4 to the Northerly boundary of said SE 1/4 SW 1/4; thence Westerly along the Northerly boundary of the SE 1/4 SW 1/4 a distance of 230 feet more or less to the point of beginning. EXCEPTING THEREFROM those portions deeded to the public for road purposes in Deed Book 297 at page 258.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 2nd day of MAY A.D., 1977 at 9:06 o'clock A.M., and duly recorded in Vol. M 77 of DEEDS on Page 7412.

FEE NONE

WM. D. MILNE, County Clerk

By *Glenn Maguire* Deputy

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