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Vol. <sup>M</sup>11 Page 9242

# Klamath County - Planning Department

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

ADMINISTRATIVE ZONE CORRECTION  
No. 76-24

DATE November 29, 1976

## 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. 76-24.

The enclosed ORDER provisionally approves the request for correction from the RD 10,000 (Res. Single Family) zone to the RD 3,000 (Res. Multiple Family) 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 12-1-76.

The appeal procedure involves writing a letter to the Planning Department in which you state "I appeal Administrative Zone Correction No. 76-24 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. Swanson*  
Klamath County Planning Director

77 NOV 27 1976

## 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. 76-24 )  
 BY HOMER BARNES )

## O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by Homer Barnes for an Administrative Zone Correction No. 76-24, pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from RD 10,000 (Residential Single Family) zone to RD 3,000 (Residential Multiple Family) zone, a description of the real property referred to in said application 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 RD 10,000 (Residential Single Family) and the requested zone correction is for RD 3,000 (Residential Multiple Family).

3. The part of Klamath County affected by the application was zoned on December 7, 1972.

4. Homer Barnes purchased the land in question on October 2, 1972 for the purpose of constructing duplexes as witnessed by an earnest money agreement submitted to the Klamath County Planning Department specifying that duplexes be built on the subject property.

5. The Comprehensive Land Use Plan for said property designates the applicant's land as Urban Density which is not compatible with the RD 5,000 (Residential Multiple Family) zone.

6. The applicant was issued six building address numbers by the Klamath County Public Works Department to allow for a duplex in each building.

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.



ORDER:

ADMINISTRATIVE ZONE CORRECTION 76-24  
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2. Prior to December 7, 1972, the land in question was intended to be used for duplexes and such use existed lawfully.

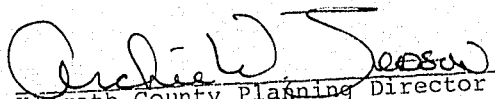
3. Land Use studies conducted prior to the adoption of the Land Use Plan and Zoning Ordinance incorrectly identified the applicant's use of his land.

4. The proper zone district for the intended use lawfully existing prior to December 7, 1972, is RD 3,000 (Residential Multiple Family).

5. The proper land use designation on applicant's property is Residential Multiple.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application No. 76-24, submitted by Homer Barnes requesting a zone correction from RD 10,000 (Residential Single Family) zone to RD 3,000 (Residential Multiple Family) zone a description of the real property referred to in application being marked 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 correction. Unless an appeal is filed prior to January 1, 1977, this ORDER shall become permanent.

DONE AND DATED THIS 1st day of December, 1976.

  
Klamath County Planning Director

APPROVED AS TO FORM:  
Boivin and Boivin  
County Legal Counsel

By Budger Aspell

## PROPERTY DESCRIPTION

Fomer Barnes

## EXHIBIT A

#1 (1744) (1746)

A parcel of property located in Lot 4, Block 12 of 4th. Addition to Winema Gardens, Klamath County, Oregon. More particularly described as follows:

Beginning at the Northwest corner of said Lot 4; thence East, along the North line of said Lot 4, a distance of 102.13 feet to the Northeast corner of said Lot 4; thence S 05° 06' 18" E., along the East line of said Lot 4, a distance of 55.69 feet; thence S 84° 53' 42" W., a distance of 107.51 feet, to a point on the West line of said Lot 4; thence North, along the West line of said Lot 4, a distance of 65.04 feet to the point of beginning.

#2 (1748) (1750)

A parcel of property located in Lots 4 and 5, Block 12, 4th. Addition to Winema Gardens, Klamath County, Oregon. More particularly described as follows:

Beginning at a point on the West line of said Lot 4, said point being North, a distance of 34.96 feet from the Southwest corner of said Lot 4; thence N 84° 53' 42" E., a distance of 107.51 feet, to a point on the East line of said Lot 4; thence S 05° 06' 18" E., along the East line of said Lot 4, a distance of 44.71 feet to the Southeast corner of said Lot 4 also being the Northeast corner of said Lot 5; thence continuing S 05° 06' 18" E., along the East line of said Lot 5, a distance of 9.76 feet; thence S 84° 53' 42" W., a distance of 112.37 feet, to a point on the West line of said Lot 5; thence North, along said West line, a distance of 19.72 feet, to the Northwest corner of said Lot 5; thence continuing North, along the West line of said Lot 4, a distance of 34.96 feet to the point of beginning.



PROPERTY DESCRIPTION  
Homer Barnes

#3 (1752) (1754)

A parcel of property located in Lot 5, Block 12 of 4th. Addition to Winema Gardens, Klamath County, Oregon. More particularly described as follows:

Beginning at a point on the West line of said Lot 5, said point being South, a distance of 70.40 feet from the Northwest corner of said Lot 5; thence North, along the West line of said Lot 5, a distance of 50.68 feet, to a point being South, a distance of 19.72 feet from the Northwest corner of said Lot 5; thence N 84° 53' 42" E, a distance of 112.37 feet, to a point on the East line of said Lot 5, said point being S 05° 06' 18" E, a distance 9.76 feet from the Northeast corner of said Lot 5; thence S 05° 06' 18" E, along the East line of said Lot 5, a distance of 60.92 feet; thence West, along a line 70.40 ft. when measured at right angles and parallel to the North line of said Lot 5, a distance of 117.37 feet, to the point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY PLANNING DEPT

this 27th day of MAY A. D. 1977 at 10:20 o'clock A. M. or P.

duly recorded in Vol. M77, of DEEDS on Page 9242

NO FEE

Wm D. MILNE County Clerk

*Hazel Drazic*