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Klamath County - Planning Department

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

ADMINISTRATIVE ZONE CORRECTION
No. 76-15DATE November 29, 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. 76-15.

The enclosed ORDER provisionally approves the request for correction from the RD 10,000 (Single Family Resident) zone to the RD 3,000 (Single Family Residential) 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 1-1-77.

The appeal procedure involves writing a letter to the Planning Department in which you state "I appeal Administrative Zone Correction No. 76-15 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. Season
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. 76-15)
BY DONALD FISH)

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by Donald Fish for an Administrative Zone Correction No. 76-15, 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 being Lot 7 and the southerly 15 feet of Lot 6 in Block 12, Fourth Addition to Winema Gardens and the northerly 85 feet of Lot 6 and the southerly 30 feet of Lot 5, Block 12, Fourth Addition to Winema Gardens located in Section 1, Township 39, Range 9, Klamath County, Oregon, 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 being Lot 7 and the southerly 15 feet of Lot 6 in Block 12, Fourth Addition to Winema Gardens and the northerly 85 feet of Lot 6 and the southerly 30 feet of Lot 5, Block 12, Fourth Addition to Winema Gardens located in Section 1, Township 39, Range 9, Klamath County, Oregon.
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. Donald Fish purchased the land in question on August 22, 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 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 3,000 (Residential Multiple Family) zone.
6. Applicant was issued eight building address numbers by the Klamath County Public Works Department on November 5, 1972, 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.
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 use intended 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. 76-15, submitted by Donald Fish 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 being Lot 7 and the southerly 14 feet of Lot 6 in Block 12, Fourth Addition to Winema Gardens and the northerly 85 feet of Lot 6 and the southerly 30 feet of Lot 5, Block 12, Fourth Addition to Winema Gardens located in Section 1, Township 39, Range 9, Klamath County, Oregon, 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 1st, 1977, this ORDER shall become permanent.

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

Archie W. Simpson
Klamath County Planning Director

APPROVED AS TO FORM:
Boivin and Boivin
County Legal Counsel

By Bradford J. Boivin

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.

duly recorded in Vol. M77, of DEEDS on Page 9247

NO FEE

Wm D. MILNE, County Clerk

Hazel D. Milne