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Klamath County - Planning Department

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

ADMINISTRATIVE ZONE CORRECTION
No. 76-19

DATE June 16, 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. 76-19.

The enclosed ORDER provisionally approves the request for correction from the M-3 (Heavy Manufacturing Indust.) 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 July 18, 1977.

The appeal procedure involves writing a letter to the Planning Department in which you state "I appeal Administrative Zone Correction No. 76-19 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


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. 76-19)
BY JAMES TEMPLETON)

O R D E R

THIS MATTER having come on before the Klamath County Planning Department upon the application by James Templeton for an Administrative Zone Correction No. 76-19 pursuant to Article 117, Ordinance No. 17, the same being the Klamath County Zoning Ordinance, said application requesting a zone correction from M-3 (Heavy Manufacturing Industrial) zone to A (Light Agriculture) zone, a description of the real property referred to in said application being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Tax Lot 100 in Block 1 of Midland Second Addition, of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 39, Range 8, East of the Willamette Meridian of 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 is Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Tax Lot 100 in Block 1 of Midland Second Addition, of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 39, Range 8, East of the Willamette Meridian of Klamath County, Oregon.
2. The land in question is currently zoned M-3 (Heavy Manufacturing Industrial) 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 Light Industrial which is not compatible with the M-3 (Heavy Manufacturing Industrial) zone.
5. A notarized affidavit by James E. Templeton testifying that to the best of his knowledge, the property in question was not used for any heavy manufacturing or industrial use prior to December 7, 1972, is marked Exhibit A attached hereto and by reference made apart hereof.
6. A site visit conducted by a member of the Klamath County Planning Department staff, Blaise Edmonds, verified that the property shows no evidence of heavy manufacturing or industrial use.

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ORDER: ADMINISTRATIVE ZONE CORRECTION 76-19
James Templeton
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7. The property in question is 2.4 acres in size and meets the property development standards of a minimum lot area of not less than one (1) acre set forth by Article 31, Section 31.004 of Klamath County Ordinance No. 17 for A (Light Agriculture Zone).

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 agriculture and such use existed lawfully.
3. Land Use studies conducted prior to the adoption of the Land Use Plan and Zoning Ordinance (incorrectly identified).
4. The proper zone district for the use lawfully existing prior to December 7, 1972, is A (Light Agriculture).
5. The proper land use designation on applicant's property is Agricultural.

NOW, THEREFORE, IT IS HEREBY ORDERED that Application for Administrative Zone Correction No. 76-19 submitted by James Templeton requesting a zone correction from M-3 (Heavy Manufacturing Industrial) zone to A (Light Agricultural) zone, a description of the real property referred to in said application being Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of Tax Lot 100 in Block 1 of Midland Second Addition, of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 39, Range 8, East of the Willamette Meridian of 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 July 18, 1977, this ORDER shall become permanent.

DONE AND DATED THIS 16th day of June, 1977.

Peter M. Wall
Interim Planning Director

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

By John D. Smith

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KLAMATH COUNTY EXHIBIT A
ADMINISTRATIVE ZONE CORRECTION 76-19
JAMES E. TEMPLETON

"A"

I, James E. Templeton, BEING FIRST DULY SWORN, DEPOSE
AND SAY AS FOLLOWS THAT:

To the best of my knowledge the property particularly described
as Lots 1,2,3,4,5,6,7,8,9,10,11,12 and 13 of Tax Lot 100 in Block 1
of Midland; Second Addition, of the NW 1/4, SE 1/4 Section 36,
Township 39 South, Range 8 East of the Willamette Meridian of Klamath
County, Oregon; Containing approximately 2.4 acres was not used for
any manufacturing or industrial use prior to December 7, 1972.

I SWEAR UNDER PENALTIES OF FALSE SWEARING THAT THE FOREGOING
STATEMENT IS TRUE AND CORRECT,

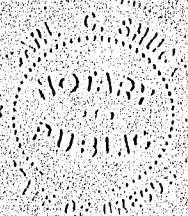
DONE AND DATED THIS 7 DAY OF June 19 77.

James E. Templeton

SUBSCRIBED AND SWORN TO BEFORE ME THIS 74 DAY OF June
19 77.

Paul C. Shuck

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES Aug 3 1980



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of _____
this 21st day of September A. D. 19 77 at 10:02 clock A M., and
duly recorded in Vol. M77, of Deeds on Page 17646

No Fee

Wm D. MILNE, County Clerk
By Barbara J. Letcher