

## BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

IN THE MATTER OF THE  
APPLICATION FOR CHANGE  
of zone number 73-36 BY  
JULIA H. DECKER

O R D E R

JUL 19 9 52 AM 1973

This matter having come on for hearing upon the application of Julia H. Decker for a change of zone, said change application being numbered Zone Change 73-36 and said application having been heretofore recommended from RA (Residential Agricultural) zone to C-5 (Highway Commercial) zone by the Klamath County Planning Commission, a description of the real property referred to in said application being hereto attached, marked Exhibit A, and by reference made a part hereof, and a public hearing on said application having been regularly held on June 25, 1973 before said Board of Commissioners, and it appearing to the Board of Commissioners from the testimony, reports, and information produced at said hearing by the applicant, interested parties, the Planning Commission and Planning Department, that the application should be granted, the Board of Commissioners make the following findings:

1. That the applicant has provided factual information demonstrating that there is a public need for this zone change and that the applicant's property is best suited to meet that public need; and

2. That only through a mapping error the most westerly 100 feet of the applicant's land zoned RA had not been properly zoned for the pre-existing commercial use on the zoning maps which, together with the zoning ordinance text were referred to the people for a vote on November 7, 1972; and

3. That the Klamath County Planning Commission has held a public hearing on said Zone Change and made the following findings in which the Board of County Commissioners concurs as required by Ordinance Number 17, the same being the Klamath County Zoning Ordinance:

- a. The property affected by the change of zone is adequate in size and shape to facilitate those uses normally allowed in conjunction with such zoning;
- b. The property affected by the proposed change of zone is properly related to streets and highways to adequately serve the type of traffic generated by such uses that may be permitted therein;
- c. The proposed change of zone will have no adverse effect on any property or the permitted uses thereof, within a seven hundred (700) foot radius excluding highways and rights-of-way; and
- d. That the proposed change of zone is in keeping with any land use plans duly adopted and does, in effect, represent the highest, best and most appropriate use of the land affected; and

4. That the application is consistent with the Klamath County adopted Comprehensive Land Use Plan maps and text, NOW, THEREFORE,

IT IS HEREBY ORDERED THAT THE application of Julia H. Decker for a change of zone from RA (Residential Agricultural) zone to C-5 (Highway Commercial) zone, a particular description of the real property referred to in said application being hereto attached, marked Exhibit A, and by reference made a part hereof, said change application being numbered Zone Change 73-36 is hereby approved.

Dated this 13<sup>th</sup> day of July 1973.

Lloyd Giff  
Chairman of the Board

Ra Pyle  
County Commissioner

Bryan Williams  
County Commissioner

Approved as to form

Harry D. Boivin  
Harry D. Boivin, Legal Counsel

## LEGAL DESCRIPTION - Z.C. 73-36

From Deed Vol. M 72, Page 2935, in the name of Julia H. Decker,  
recorded March 17, 1972.

A tract of land situated in the SW 1/4 NW 1/8 of Section 11,  
Township 39 South, Range 9 East of the Willamette Meridian,  
Klamath County, Oregon, more particularly described as follows:

BEGINNING at the intersection of the East right-of-way line of  
Summers Lane and the North right-of-way line of Winter Ave.,  
said lines as now located; Thence, East along the North line of  
Winter Ave. 312 feet; thence, North parallel to the West section  
line of Section 11, 301.5 feet; thence, South 88°57' West 42 feet  
to the southeast corner of the property described in Deed Volume 128  
at page 547, recorded April 24, 1940, thence, north 75 feet;  
thence, west 270 feet to the east right-of-way line of Summers Lane,  
thence, south along said east line to the point of beginning.

EXCEPTING THEREFROM, the following: Beginning at the intersection of  
the east right-of-way line of Summers Lane and the north right-of-way  
line of Winter Ave., said lines as now located, thence east along the  
north line of Winter Ave. 100 feet; thence, north parallel to the  
east line of Summers Lane 200.0 feet; thence, west 100 feet to the  
east line of Summers Lane; thence, south along said east line to the  
point of beginning, and further excepting therefrom all said property  
lying east of the centerline of that certain drain known as the  
I-C-9-A Drain.

The above described property is generally described as being located  
on the north side of Winter Avenue, 100 feet east of Summers Lane.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY BOARD OF COMMISSIONERS  
this 19th day of JULY A. D. 1973 at 9:52 o'clock AM., and  
duly recorded in Vol. M 73, of DEEDS on Page 9200

Wm D. MILNE, County Clerk

NO FEE

By Hazel Drayton