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Vol. ¹¹⁰ 73 Page 10630

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 73-51 BY
GLENN DEHLINGER

O R D E R

AUG 10 3 35 PM '73

This matter having come on for hearing upon the application of Glenn Dehlinger for a change of zone, said change application being numbered Zone Change 73-51 and said application having been heretofore recommended from AF (Agricultural Forestry) zone to RA (Residential Agriculture) zone by the Klamath County Planning Commission, a description of the real property referred to in said application being SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 39 S., Range 10 East of the Willamette Meridian and that portion of the NW $\frac{1}{4}$ of Section 5, Township 40 S., Range 10 East of the Willamette Meridian lying northeasterly of Hill Road, Klamath County, Oregon, consisting of 117 acres more or less, and a public hearing on said application having been regularly held on June 27, 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 makes 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 the Klamath County Planning Commission has held a public hearing on Zone Change 73-51 and made findings as required by Ordinance Number 17, the same being the Klamath County Zoning Ordinance; and
3. That 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; and

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4. 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;

5. That 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

6. 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

7. That the Board of Commissioners concurs with the Planning Commission's findings providing the three following conditions are met:

a. That no lot size shall be reduced in area below five (5) acres on two lots and ten (10) acres on remaining lots; and

b. That the applicant and all subsequent owners, purchasers and occupants of said real property and any portion thereof, their personal representatives, heirs, successors and assigns covenant and agree to hold harmless the owners and occupants of adjacent sand, gravel, quarrying and processing operations from all damage and inconvenience resulting from the customary use of said property for sand, gravel, quarrying and processing operations. The foregoing conditions and restrictions shall bind and enure to the benefit of and be enforceable by suit for injunction or for damages by the owners or occupants of adjacent sand, gravel, quarrying and processing operations; and

8. 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 Glenn Dehlinger for a change of zone from AF (Agricultural Forestry) zone to RA (Residential Agriculture) zone, a particular description of the real property referred to in said application being the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 39 S., Range 10 East of the Willamette Meridian and that portion

Approved as to form
Harry D. Boivie, Legal Counsel
I agree and consent
foregoing order.
Applicant

ORDER: ZONE CHANGE NUMBER 73-51
GLENN DEHLINGER
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of the NW $\frac{1}{4}$ of Section 5, Township 40 S., Range 10 East of the Willamette Meridian lying northeasterly of Hill Road, Klamath County, Oregon, consisting of 117 acres more or less, said change application being numbered Zone Change 73-51 is hereby approved on the conditions:

1. That no lot size shall be reduced in area below five (5) acres on two lots and ten (10) acres on remaining lots; and
2. That the applicant and all subsequent owners, purchasers and occupants of said real property and any portion thereof, their personal representatives, heirs, successors and assigns covenant and agree to hold harmless the owners and occupants of adjacent sand, gravel, quarrying and processing operations from all damage and inconvenience resulting from the customary use of said property for sand, gravel, quarrying and processing operations. The foregoing conditions and restrictions shall bind and enure to the benefit of and be enforceable by suit for injunction or for damages by the owners or occupants of adjacent sand, gravel, quarrying and processing operations.

Done and dated this 10th day of August 1973..

Lloyd Galt
Chairman of the Board

Ra Pyle
County Commissioner

Bryan Williams
County Commissioner

Approved as to form

Harry D. Boivin
Harry D. Boivin, Legal Counsel

I agree and consent to the terms and conditions of the foregoing order.

Applicant _____

Date _____

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of _____ Board of County Commissioners

this 10 day of Aug A. D., 1973, at 3:33 o'clock p. M., and duly recorded in Vol. M-73, of Deeds on Page 10630

fee none

WM. D. MILNE, County Clerk

By Hazel L. Lenz