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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 73-48 BY
CHARLES D. BINGHAM

O R D E R

OCT 30 2 13 PM 1973

This matter having come on for hearing upon the application of Charles D. Bingham for a change of zone, said change application being numbered Zone Change 73-48 and said application having been heretofore recommended from MHP (Mobile Home Park) zone to C-5 (Commercial Highway) zone by the Klamath County Planning Commission, a description of the real property referred to in said application being attached hereto, marked Exhibit A, and by reference made a part hereof, and a public hearing on said application having been regularly held on May 22, 1973 before said Board of Commissioners, and the Board of Commissioners having heard and examined the statements and evidence both oral and documentary introduced at said public hearing from the applicant, interested parties, the Planning Department and the Planning Commission's findings and recommendations, and the Board of Commissioners, as required by Ordinance Number 17, finding:

1. That the Planning Commission had initiated this zone change on behalf of the applicant because the applicant had engaged in commercial use of his property and buildings thereon prior to the adoption on December 7, 1972 of county-wide zoning;

2. That only through an error or mistake the applicant's land had not been properly zoned for the established prior 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. 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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CHARLES D. BINGHAM
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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; and

5. 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 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 Charles D. Bingham for a change of zone from MHP (Mobile Home Park) zone to C-5 (Commercial Highway) zone, a particular description of the real property referred to in said application being attached hereto, marked Exhibit A, and by reference made a part hereof, said change application being numbered Zone Change 73-48 is hereby approved.

Done and dated this 30th day of October, 1973.

Lloyd Giff
Chairman of the Board

Ra Pyle
County Commissioner

Bryan Williams
County Commissioner

Approved as to form

Harry D. Boring
Harry D. Boring, Legal Counsel

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EXHIBIT A
LEGAL DESCRIPTION
ZONE CHANGE 73-48

Parcel No. I: A piece or parcel of land situate in the S $\frac{1}{2}$ of Section 1, Township 39 S., Range 9 East of the Willamette Meridian, South 89°58' West 1341.4 feet to a bolt in the center line of the state highway designated as Oregon 66 as the same is now located and constructed over and across said Section 1; thence north 46°06' West along the center line of said highway 1380.4 feet; thence south 43°53' west 30.0 feet to an iron pin on the southerly right-of-way line of said Highway 66 marking the point of beginning of this survey; thence south 9°42' west along the center line of a drain 402.5 feet to a point; thence south 0°32' west along the center line of said drain 72.6 feet to a point; thence south 43°53' west 20.0 feet to an iron pin; thence north 67°41' west 410.0 feet to an iron pin; thence north 23°42' east 592.9 feet to an iron pin on the said southerly right-of-way line of said highway; thence south 46°06' east along said right-of-way line a distance of 310.0 feet, more or less, to the above-mentioned point of beginning of this survey.

Parcel No. II: Commencing at the most southerly corner of said Parcel I and running thence north 67°41' west 410 feet to a point; thence south 3°21' east 83.2 feet to a 5/8" steel pin set in the ground; thence south 67°41' east 410 feet to a 3/4" iron pipe set in the ground; thence north 3°21' west 83.2 feet to the place of beginning.

Parcel No. III: A tract of land situated in the S $\frac{1}{2}$ of Section 1, Township 39 S., Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin marking the southeasterly corner of said Section 1; thence south 89°58'30" west 1341.4 feet to a bolt in the center line of the State Highway 140 (was Highway 66) as the same is now located and constructed over and across said Section 1; thence north 46°06'30" west along the center line of said highway 1380.4 feet; thence south 43°53'30" west 30.00 feet to an iron pin on the southerly right-of-way line of said highway; thence south 09°42'00" west along the center line of a drain 402.5 feet; thence south 00°32'30" west along the center line of said drain 72.6 feet; thence south 43°53'30" west 20.0 feet to an iron pin; thence north 67°41'30" west 410.0 feet to a 5/8" iron pin marking the true point of beginning of this description; thence north 23°42'00" east 578.00 feet to a 5/8" iron pin on the new southerly right-of-way line of said highway; thence south 46°06'30" east along said southerly right-of-way line 52.43 feet to a 5/8" iron pin; thence south 16°27'31" west 636.84 feet to a 5/8 inch iron pin; thence north 67°41'30" west 91.66 feet to a 5/8 inch iron pin; thence north 03°21'30" west 83.20 feet to the true point of beginning, containing 1.28 acres more or less.

STATE OF OREGON,
County of Klamath
Filed for record at request of
KLAMATH COUNTY BOARD OF COMMISSIONERS
on this 30th day of OCTOBER A.D. 19 73
at 2:13 o'clock P.M. and duly
recorded in Vol. M 73 of DEEDS
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Wm D. MILNE, County Clerk
By Harold D. Dugan Deputy
For None