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Vol. 73

17831

BOARD OF COUNTY COMMISSIONERS

In and For the County of Klamath, State of Oregon

AN AMENDMENT TO THE FINDINGS
OF FACT, CONCLUSIONS OF LAW
AND CONDITIONS AS SET FORTH
BY THE COMPREHENSIVE LAND
USE PLAN AND ZONE CHANGE
ORDER NUMBERED 73-80

AMENDMENT

This matter having come on for hearing upon the application of Henry Wolff and Jerry Wolff and Floyd Hescoek, said application being numbered 73-80 and signed by the Board of County Commissioners on the 9th day of December 1974, which was approved and is amended to read:

1. No. 1 Finding of Fact of the Comprehensive Land Use Plan Order shall read: The change will promote the public health, safety and general welfare by providing needed ten (10) acre and larger homesites on the northerly portion only, being 600 acres in size, located above the Sprague River Highway and known as Tract 1118. On the southerly portion, below the Sprague River Highway, containing 410 acres, there will be five (5) acre parcels, except for that portion of property on the applicant's southerly property line, zoned SP-2 (Critical Deer Winter Range), these parcels shall not be divided into less than twenty (20) acre parcels.

2. No. 4(a) Finding of Fact of the Comprehensive Land Use Plan Order shall read: The applicant, his heirs and assigns, do not divide the subject property into smaller than ten (10) acre parcels on that northerly portion only, being 600 acres in size, located above the Sprague River Highway, known as Tract 1118.

3. No. 4(b) Finding of Fact of the Comprehensive Land Use Plan Order is to be DELETED.

4. Letter (a) of Conditions of the Comprehensive Land Use Plan Order is to be DELETED.

5. Letter (b) Conditions of the Comprehensive Land Use Plan Order is amended to read: The applicant, his heirs and assigns, do not divide the subject property into smaller than ten (10) acre parcels on that northerly portion, being 660 acres in size, located above the Sprague River Highway, which is known as Tract 1118. On the southerly portion, below the Sprague River Highway, containing 410 acres, there will be five (5) acre parcels, except for that portion of property on the applicant's southerly property line, zoned SP-2 (Critical Deer Winter Range) these parcels shall not be divided into less than twenty (20) acre parcels.

6. No. 1 Finding of Fact of the Zone Change Order is amended to read: The 410 acre parcel south of Sprague River Highway, 220 acres of which are meadow land, is intended by the applicant to be sold, in part for small ranches with lot size being five (5) acres in size and not the present ten (10) acre parcels, and providing that property located on the applicant's southerly property line, zoned SP-2 (Critical Deer Winter Range) is divided into not less than twenty (20) acre parcels.

7. No. 9 Finding of Fact of Zone Change Order is amended to read: The applicants agreed to provide deeds having restrictive provisions that would prohibit division of the property into lots of less than ten (10) acres for a 30-year period, and at that time, if the owners of record do not consent to changing this provision, it would

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remain in effect for an additional 30 years. It is subject property owners responsibility to amend any existing deed restrictions.

8. No. 3 Conclusions of Law of the Zone Change Order is amended to read: The property affected by the zone change is adequate in size, being 1070 acres more or less, with a minimum ten (10) acre lot size on that northerly portion only, being 660 acres in size and located above the Sprague River Highway and provided the minimum lot size shall be five (5) acre parcels, on the southerly portion, below the Sprague River Highway, containing 410 acres, except for that portion of property on the applicants southerly property line, zoned SP-2 (Critical Deer Winter Range) these parcels shall not be divided into less than twenty (20) acre parcel.

9. No. 3 Conditions of Zone Change Order is amended to read: The minimum lot size shall be ten (10) acres for that northerly portion only, located above the Sprague River Highway, and being a total of 660 acres in size which is known as Tract 1118; with the exception for that property located south of the Sprague River Highway, being 410 acres in size, these lots will be sold in lot sizes not less than five (5) acre parcels and also not less than twenty (20) acre parcels on that portion zoned SP-2 (Critical Deer Winter Range) adjacent to the applicants southerly lot line.

DONE AND DATED THIS 2nd day of August 1978.

Neil Kivonen
Chairman of the Board

Harold L. Kivonen
Commissioner

Commissioner

Approved as to form:
MOLLY A. BOWEN & ASPELL

County Legal Counsel

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 23rd day of August, A.D., 1978 at 9:26 o'clock A.M., and duly recorded in Volume 17281 of Deeds on Page 17281.

FEE None

WM. D. MILNE, County Clerk

By [Signature]

County