

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPEAL)
ON MINOR PARTITION 79-91)
FOR DR. W. F. DEAN)

O R D E R

THIS PARTITION came on for hearing before the Klamath County Land Partition Review Board upon the application for Minor Partition 79-91 for Dr. W. F. Dean, and a public hearing having been heard by the Review Board on July 19, 1979, wherefrom the testimony, reports and exhibits introduced at the hearing by the Applicant, the Planning Department Staff and other persons in attendance, a majority of the Review Board voted to disapprove Minor Partition 79-91 (Dr. D. F. Dean).

Pursuant to Section 9.25 of Ordinance No. 40, the Klamath County Subdivision Ordinance, the Owner/Applicant filed a Notice of Appeal for a hearing to the Klamath County Planning Commission on July 27, 1979. A public hearing was regularly held by the Planning Commission on October 9, 1979, wherefrom the testimony, reports and exhibits introduced by the applicant, the Review Board, the Planning Department Staff, and other persons in attendance, a majority of the Planning Commission voted to disapprove the Appeal of Minor Partition 79-91 (Dr. W. F. Dean).

The proposed partition is generally located approximately one-half mile northeast of the Highway 140 and Booth Road intersection along the north side of Arant Road in Klamath Falls, Oregon, and more particularly described as being situated in SW $\frac{1}{4}$ Sec. 5 & SE $\frac{1}{4}$ Sec. 6, T39S, R10EWM, in Klamath County, Oregon.

1 Pursuant to Section 9.25 and 11.30 of Ordinance No. 40,
2 the Klamath County Subdivision Ordinance, the Owner/Applicant
3 filed a Notice of Appeal for a hearing to the Klamath County
4 Board of Commissioners on October 10, 1979. A public hearing
5 was regularly held on November 20, 1979, at which time the Board
6 of Commissioners, in reviewing all pertinent evidence and testi-
7 mony, reports and exhibits introduced by the applicant, the
8 Review Board, the Planning Commission, the Planning Department
9 Staff, and other persons in attendance, made the following
10 Findings of Fact and Conclusions of Law:

11 FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- 12 1. The zoning of the property is A (Agriculture) which
13 requires a minimum lot size of one (1) acre. These parcels are
14 42.5 and 5.0 acres in size which is adequate.
- 15 2. The general use in the area is residential on
16 1 acre plus lots.
- 17 3. The property is not adequate for agricultural
18 purposes due to steep grade.
- 19 4. While access to property may be hazardous, it is
20 a county road and it is currently used by other residents of the
21 area.
- 22 5. The property is currently within acceptable range
23 of the Klamath County Fire Department and if the Klamath County
24 Fire Department is phased out, it can be annexed to the South
25 Suburban Fire Protection District.
- 26 6. The intent of the Owner/Applicant is to continue
27 to partition the remaining 42.5 acre parcel into twelve (12)
28 additional lots.

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1 NOW, THEREFORE, it is hereby ordered that the Appeal
2 of Minor Partition 79-91 (Dr. W. F. Dean), is hereby approved,
3 subject to the following condition:

4 Any further requests for division of the remaining
5 42.5 acres must be made through a subdivision application and
6 not through the partitioning process in order to prevent a
7 piecemeal development of the property.

8 DONE AND DATED THIS 13th DAY OF December, 19 79.

9
10 Harold L. Hynne
11 Chairman

12
13 Alvin A. Hynne
14 Member

15
16 Walter Hynne
17 Member

18 APPROVED AS TO FORM;
19 Boivin, Boivin & Aspell
20 By: Robert H. Boivin
21

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 13th day of
December A.D., 19 79 at 12:13 o'clock p M., and duly recorded in Vol. 279
of Deeds on Page 29015.

FEE None

WM. D. MILNE, County Clerk
By Bernice H. Hetsch Deputy

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