

11125

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

1
2
3 In the Matter of Request for)
4 Minor Partition No. 81-139) Klamath County Planning
5 for James R. Titus, Applicant) Findings of Fact and Order

6
7 A hearing was held on this matter on January 13, 1982,
8 pursuant to notice given in conformity with Ordinance No. 45,
9 Klamath County, before the Klamath County Hearings Officer, Jim
10 Spindor. The applicant was present. The Klamath County Planning
11 Department was represented by Becky Achten. The Hearings Reporter
12 was Barbara Thomson.

13 Evidence was presented on behalf of the Department and on
14 behalf of the applicant.

15 The following exhibits were offered, received and made a
16 part of the record:

17 Klamath County Exhibit A, Staff Report
18 Klamath County Exhibit B, Tentative Map of Partition
19 Klamath County Exhibit C, CLUP and Zoning Map
20 Klamath County Exhibit D, Staff Recommendations
21 Klamath County Exhibit E, Letter from Klamath Irrigation
22 District dated December 31, 1981
23 Klamath County Exhibit F, Letter from Klamath County Fire
24 District #1 dated January 13, 1982
25 Klamath County Exhibit G, Photocopy of photos of subject
26 property
27 Klamath County Exhibit H, Copy of applicable Fire Code
28 Sections

APR 23 AM 9 12

4984
1 Applicant's Exhibit No. 1, Letter from Airport Manager
2 dated January 4, 1982

3 The hearing was then closed, and based upon the evidence
4 submitted at the hearing, the Hearings Officer made the following
5 Findings of Fact:

6 FINDINGS OF FACT:

7 1. The proposed tentative plan of the applicant is to
8 partition 19.77 acres into two parcels for residential and light
9 agricultural use. The plan is in conformance with the Klamath
10 County Comprehensive Plan.

11 2. Said proposed tentative plan is in conformance with
12 all applicable provisions of this code, other county codes and
13 ordinances, and Oregon law.

14 3. No creation of a street or road is required as a part
15 of applicant's proposed plan.

16 4. There is nothing in the record to indicate the proposed
17 plan will prohibit the extension of any dedicated streets or roads.

18 5. The applicant's property is situated in the unincor-
19 porated territory of Klamath County, Oregon, namely, north of Old
20 Midland Road and west of the Southern Pacific Railroad near the
21 intersection of Old Midland Road and Homedale Road, Klamath County,
22 Oregon.

23 6. The proposed partition is adjacent to Old Midland Road,
24 however, it will not conflict with said road.

25 7. The parcels in applicant's proposed plan are located
26 and laid out to properly relate to adjoining or nearby lots or
27 parcel lines, utilities, streets and other existing or planned
28 facilities as can be seen by applicant's map of Klamath County

1 Exhibit B).

2 8. The applicant's property is physically suitable for
3 the type and proposed density, which is for two-family residences,
4 one on each parcel, and conforms to existing zone standards.

5 9. The applicant's property is not in any residential,
6 commercial or industrial subdivision, planned unit development
7 or approved land partition, that will be approved after the effec-
8 tive date of this code.

9 10. The applicant's proposal is not for a retirement lot
10 and a lot for the child of the owner in an exclusive farm use
11 zone.

12 11. The granting of this minor partition is consistent
13 with the goals of L.C.D.C.

14 The Hearings Officer, based on the foregoing Findings of
15 Fact, accordingly orders as follows:

16 That real property described as the
17 "parcel of land generally located north of Old
18 Midland Road and west of the Southern Pacific
19 Railroad near the intersections of Old Midland
20 Road and Homedale Road, and more particularly
described as being a portion of Section 35,
Township 39, Range 9, Tax Account No. 3909 3500
2300, Klamath County, Oregon"

21 is hereby granted a Minor Partition in accordance with the terms
22 of the Klamath County Zoning Ordinance No. 45, and, henceforth,
23 will be allowed to partition said parcel into 9.77 acres and 10
24 acres for residential and light agricultural purposes.

25 Entered at Klamath Falls, Oregon, this 12th day of
26 FEBRUARY, 1982.

27 KLAMATH COUNTY HEARINGS DIVISION

28 [Signature]
Hearings Officer
Nunc Pro Tunc

MNP 81-139
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STATE OF OREGON; COUNTY OF KLAMATH; ss
I hereby certify that the within instrument was received and filed for
record on the 23 day of April A.D., 1982 at 9:12 o'clock A M
and duly recorded in Vol M 82, of Deeds on page 4983

FEE \$ No Fee Commissioners Journal by Evelyn Biehn COUNTY CLERK
Deputy