

BEFORE THE HEARINGS OFFICER

KLAMATH COUNTY, OREGON

In the Matter of Request for)
Minor Partition No. 81-81 for) Klamath County Planning
Viva E. Bailey, Applicant) Findings of Fact and Order

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

Evidence was presented on behalf of the Department and on behalf of the applicant's representative.

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

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Tentative Map of Partition
Klamath County Exhibit C, CLUP and Zoning Map
Klamath County Exhibit D, Staff Recommendations
Klamath County Exhibit E, Vacation Order (unsigned)
Applicant's Exhibit No. 1, Request for continuance
Applicant's Exhibit No. 2, Sketch of Parcel No. 2
Applicant's Exhibit No. 3, Contract of Sale

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

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1 FINDINGS OF FACT:

2 1. The proposed tentative plan of the applicant is to
3 partition 3.11 acres into two parcels of .50 acres and 2.61 acres
4 in size for residential use. The plan is in conformance with the
5 Klamath County Comprehensive Plan.

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

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

11 4. There is nothing in the record to indicate the pro-
12 posed plan will prohibit the extension of any dedicated streets
13 or roads.

14 5. The applicant's property is situated in the unincorp-
15 orated territory of Klamath County, Oregon, namely, at the south-
16 east corner of the intersection of Laverne Street and Tingley Lane,
17 Klamath County, Oregon.

18 6. The proposed partition is adjacent to Tingley Lane and
19 Birch Street, however, it will not conflict with said streets.

20 7. The parcels in applicant's proposed plan are located
21 and laid out to properly relate to adjoining or nearby lots or
22 parcel lines, utilities, streets and other existing or planned
23 facilities as can be seen by applicant's map (Klamath County
24 Exhibit B).

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

28 9. The applicant's property is not in any residential,

1 commercial or industrial subdivision, planned unit development or
2 approved land partition, that will be approved after the effective
3 date of this code.

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

7 11. The granting of this minor partition is consistent
8 with the Goals of L.C.D.C.

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

11 That real property described as the

12 "parcel of land generally located at the southeast corner
13 of the intersection of Laverne and Tingley Lane, and
14 more particularly described as a portion of Lots 16
15 and 17, in Ewauna Park, Township 39, Range 9, Section
16 9, Tax Account No. 3909 900-1200, Klamath County,
17 Oregon"

18 is hereby granted a Minor Partition in accordance with the terms
19 of the Klamath County Zoning Ordinance No. 45, and, henceforth,
20 will be allowed to partition said parcel into .50 acres and 2.61
21 acres in size for residential use.

22 Entered at Klamath Falls, Oregon, this 10th day of
23 December, 1982.

24 KLAMATH COUNTY HEARINGS OFFICER

25 [Signature]

26 Hearings Officer

STATE OF OREGON: COUNTY OF KLAMATH :ss

I hereby certify that the within instrument was received and filed for
record on the 13 day of Dec. A.D., 1982 at 8:37 o'clock A M,
and duly recorded in Vol M82, of Deeds on page 17565

COMMISSIONERS JOURNA:

Fee \$
COM SS

EVELYN BIEHN COUNTY CLERK

by [Signature] Deputy