

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTY, OREGONIN THE MATTER OF MINOR
PARTITION 41-89 FOR TONY NUNES

ORDER

REQUEST

Applicant wishes to partition approximately three (3) acres into parcels of one acre and two acres in size. This request was reviewed before the Planning Director pursuant to Article 22, Section 22.002 and Article 45, Section 45.003 A-K.

LEGAL DESCRIPTION

The parcel is located in a portion of Section 6 of Township 40, Range 8, Tax Lot 600 and generally located at the southerly termination of White Goose Drive.

RELEVANT FACTS

Property is within the Rural plan designation with an implementing zone of R-1, one acre minimum. The property is three acres in size and abuts the Klamath River.

FINDINGS

A. All evidence submitted for review was made part of the record. Exhibits A through M were also made part of the record. Proposed parcels just meet the minimum requirement. Parcel 1 combined with Parcel 2 exceed the minimum being a three acre lot. Development on Parcel 2 consists of a house, two trailers constructed together to form one unit, and a couple of out buildings. There is no development on Parcel 1.

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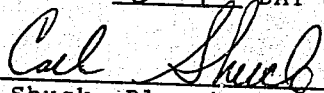
B. In review of Klamath County Exhibit E, Partition Map, proposed access appears to be off of the Keno-Worden Road. A review of Klamath Co. Exhibits D and D-1, a map and deed describing a non-exclusive easement, indicates that Parcel 1 has approximately 9,600 square feet of building area for the proposed house (see Klamath Co. Exhibit D).

C. The proposed division meets the one acre minimum lot size; however, the non-exclusive easement given to a Eddie Wilcher by Ben Snowgoose prevents development of the one acre parcel by not allowing D. E. Q. approval for septic and leach lines. Also, with the Klamath River being a Class I stream, the applicant would need to meet a 100 foot setback for development, which reduces the buildable area down to approximately 3,600 square feet. Well and septic are required to be at least 100 feet apart, which it appears the applicant will not be able to meet due to the buildable area. Proposed access appears to be in an area of an already established non-exclusive easement.

ORDER

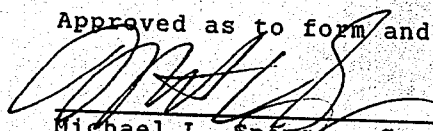
Therefore, it is ordered that the request of Minor Partition 41-89 for Tony Nunes be denied based on the above findings.

DATED THIS 27th DAY OF OCTOBER, 1989.



Carl Shuck, Planning Director

Approved as to form and content:



Michael L. Spencer, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Planning Department a Notice of Appeal as set out in Section 33.004 of the Code, together with the required fee within ten days of the date of mailing of this decision. The notice must be received by the Planning Department no later than 5:00 p.m. on the tenth day or next business day if the tenth day falls on a weekend or holiday. Failure to file a notice of appeal within the time provided will result in the loss of your right to appeal this decision.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 30th day
of Oct. A.D., 19 89 at 11:10 o'clock AM., and duly recorded in Vol. M89,
of Deeds on Page 20759.

FEE none

Evelyn Biehn - County Clerk

By C. A. Nunes

Return: Commissioners Journal