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BEFORE THE BOARD OF COMMISSIONERS
KLAMATH COUNTY, OREGON

IN THE MATTER OF APPEAL)
OF MINOR PARTITION 41-89)
FOR TONY NUINES)

ORDER #90-077

REQUEST

Applicant filed application to partition approximately three (3) acres into parcels of one acre and two acres in size. The request was reviewed by the Planning Director with findings for denial, with an Order stating denial, dated October 27, 1989. The applicant appealed Planning Director decision on November 6, 1989, to the Board of Commissioners.

On December 6, 1989, the Board of Commissioners reviewed the record which the Planning Director's decision was based on, heard testimony from the applicant as well as from Planning staff, and made the following findings of fact.

RELEVANT FACTS:

Property is within the Rural plan designation with an implementing zone of R-1, one acre minimum. Total acreage is three acres in size, to be parceled into a 1-acre parcel and a 2-acre parcel, all of which abuts the Klamath River.

FINDINGS:

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

17 NOV 1989

2. All evidence submitted for the Board of Commissioners' review, Exhibits A-M, were made part of the record.

3. The proposed parcels, parcel 1 and 2, meet the minimum lot size of the R-1 (Rural) Zone, being 1 acre and 2 acres in size. The total acreage is three acres.

4. Development on Parcel 2 consists of a house, two trailers constructed together to form one unit, and a couple of outbuildings. There is no development on Parcel 1.

5. In review of Klamath County Exhibit E, Partition Map, proposed access appears to be off of the Keno-Worden Road, a county paved road.

6. In review of Klamath County Exhibit E, Partition Map, development on property would need to meet setbacks from the Klamath River, which is a Class I stream, and those required setbacks are 100 feet.

CONDITIONS:

1. No new residence or development may be constructed on Parcel 1;

2. Boundaries of both parcels are to be surveyed.

CONCLUSIONS:

The Board of Commissioners, based on the above findings, review of the record and conditions, overturns the Planning

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Director's decision of denial and approves Minor Partition 41-89
for Tony Nunes

DONE and DATED this 19th day of December, 1989.

[Signature]
Chairman Board of Commissioners

[Signature]
County Commissioner

[Signature]
County Commissioner

APPROVED AS TO FORM AND CONTENT

[Signature]
Michael Spencer County Counsel

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 27th day
of December A.D., 19 89 at 10:17 o'clock a M., and duly recorded in Vol. M89,
of Deeds on Page 24917.

Evelyn Biehn

County Clerk

By

[Signature]

FEE None

COMMISSIONERS JOURNAL