

## BEFORE THE BOARD OF COUNTY COMMISSIONERS

In the matter of appeal )  
 of site plan for Stout/ )  
 Sloan. )

ORDER-90-200

This Matter came before the Board of Commissioners of Klamath County on May 22, 1990, in the Commissioners Hearing Room. The Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code. Applicant was present as well as opposition. Mr. Robert Sloan and Greg Stout testified as applicants of the site plan. Mr. Douglas E. Wilson testified in opposition. Klamath County Planning Department was represented by Carl Shuck and the Recording Secretary, Karen Burg. The appeal file and all contents were incorporated into the record as evidence. The Board of Commissioners after reviewing the evidence presented, makes the following Findings of Fact and Conclusions of Law and Decision.

## FINDINGS OF FACT:

1. The applicant Stout/Sloan submitted a site plan for Planning Director review on April 6th, 1990, with Planning Staff reviewing site plan on April 13, 1990.

2. Mr. Douglas E. Wilson filed an appeal on this decision April 19, 1990, stating that there was a road for easement purposes across applicants property that allowed him access to "A" Street to the east.

3. In hearing testimony from Planning Staff and reviewing easement document numbered M-66 page 9554, indicated the only easement on subject property was a 20 foot easement which was approximately 274 feet long, located along the north property line allowing access for tax lots 4600, 4500, and 4900. (See Attached Map and Easement Document).

4. The subject property is located in a portion of section 10 of TS 36, R 6, being tax lot 5000. The parcel is approximately 2.47 acres in size and zoned CG (General Commercial). The mini-warehouse facility is a permitted use per section 51.011, B, 34 Warehousing, of the LDC.

'90 JUN 7 PM 2 29

5. In hearing testimony from Mr. Wilson about access, the Board of Commissioners stated that it was not in their jurisdiction to establish an easement.

Klamath County Code Findings and Conclusions:

1. As set forth above under section 51.001, B, 34, allows for the development of mini-warehouse.

2. Site for development is zoned properly with proposed mini-warehouse meeting proper setbacks of the General Commercial zone.

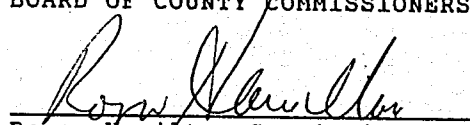
3. "A" Street does allow access to Mr. Wilson's property, therefore not land locked.

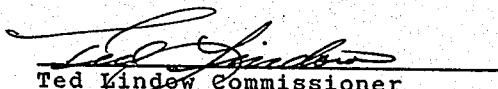
ORDER:

The Board of Commissioners, based on the above testimony and documents up-hold the Planning Directors decision of the site plan for Greg Stout and Robert Sloan and denies the appeal.

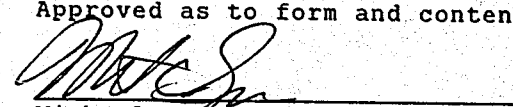
Dated this 1 day of <sup>June</sup>~~May~~, 1990.

BOARD OF COUNTY COMMISSIONERS

  
Roger Hamilton Commissioner

  
Ted Lindow Commissioner

Approved as to form and content

  
Michael L. Spencer. County Counsel

3 Called out  
Per Mr. Title  
X

9441

Vol. 11-66 Page 9554

11018

EASEMENT

46-01

THIS INSTRUMENT, made this 12th day of September, 1966,  
by and between FRONTIER OQUEST RANCH, an Oregon Corporation,  
party of the first part, and JESSIE M. BREWER and HAROLD J. FISH,  
parties of the second part,

WITNESSETH:

That in consideration of Ten and no/100ths Dollars (\$10.00) to it  
paid by the parties of the second part, the receipt whereof is hereby acknow-  
ledged, the party of the first part, its successors and assigns, conveys to  
the parties of the second part an easement for right of way purposes on all  
of that real property situated in Klamath County, State of Oregon, described  
as follows:

A twenty (20) foot strip of land situated in the NE 1/4  
SW 1/4 of Section 10, T. 36, S. R. 6, E.W.M.,  
and particularly described as follows:

Beginning at an iron pin on the easterly line of  
State Highway 421, said point being S. 0° 36' West,  
a distance of 662.40 feet; thence S. 89° 24' West, a dis-  
tance of 278.98 feet and N. 3° 07' West, a distance  
of 127.0 feet from the center one-quarter corner  
of said Section 10; thence N. 80° 46' East, a dis-  
tance of 274.04 feet to an iron pin; thence N. 0° 36'  
East, a distance of 20.0 feet; thence S. 80° 46'  
West, a distance of 275.07 feet to the easterly  
line of State Highway 421; thence S. 3° 07' East  
along said line, a distance of 10.06 feet, more or  
less, to the point of beginning.

Said easement is to be appurtenant to each and every portion of  
the following described property:

A tract of land situated in the NE 1/4 SW 1/4 of Section  
10, T. 36, S. R. 6, E.W.M., Klamath County, Oregon  
more particularly described as follows:

Beginning at the center one-quarter of said Section  
10; thence S. 0° 36' West, a distance of 662.40 feet;  
thence S. 89° 24' West, a distance of 278.98 feet;  
thence N. 3° 07' West, a distance of 127.0 feet;  
thence N. 80° 46' East, a distance of 125.7 feet to the

Page 1 of 2



11019

9555

true point of beginning of this description; thence S. 80° 46' West, a distance of 38 feet; thence N. 11° 51' West, a distance of 109.0 feet; thence N. 85° 14' East, a distance of 38 feet; thence S. 10° 06' East, a distance of 44.0 feet; thence S. 6° 42' East, a distance of 62.1 feet to the point of beginning.

A tract of land situated in the NE 1/4 SW 1/4 of Section 10, T. 36, S. R. 6, E.W.M. Klamath County, Oregon and more particularly described as follows:

Beginning at the center one-quarter corner of said Section 10, and thence according to the official plat of "FRONTIER TRACTS"; thence S. 0° 36' West, a distance of 689.40 feet; thence S. 89° 24' West, a distance of 978.98 feet; thence N. 3° 07' West, a distance of 146.08 feet; thence N. 80° 46' East, a distance of 275.07 feet to an iron pin at the true point of the beginning of this description; thence S. 80° 46' West, a distance of 110 feet to an iron pin; thence N. 0° 42' West, a distance of 162.01 feet to an iron pin; thence N. 80° 46' East, a distance of 118.0 feet to an iron pin; thence S. 0° 36' West, a distance of 63.0 feet, more or less, to the true point of beginning.

To correct Easement dated the 29th day of October, 1965, recorded in Volume M-55 of Deeds on Page 3762, on the 17th day of November, 1965, by the County Clerk of Klamath County, Oregon; wherein FRONTIER QUEST RANCH, an Oregon Corporation, is party of the first part, and JESSIE M. BREWER and HAROLD J. FISH are parties of the second part.

IN WITNESS WHEREOF, FRONTIER QUEST RANCH, pursuant to a resolution of its Board of Directors duly and legally adopted, has caused these presents to be signed by its President and Secretary, and its corporate seal to be hereunto affixed this 12th day of September, 1966.

FRONTIER QUEST RANCH  
By Harold J. Fish President  
By W. B. H. H. H. Secretary



