

BEFORE THE HEARINGS OFFICER FOR KLAMATH COUNTY

In the matter of the request
for a Conditional Use Permit

Conditional Use Permit
Case No. CUP 32-97
Land Partition
Case No. LP 32-97

Greg and Tracie Chandler
Applicants

97 JUN 13 P3:04

This matter came before Michael L. Brant, Hearings Officer for Klamath County, Oregon, on June 6, 1997, in the Klamath County Museum Meeting Room in Klamath Falls, Oregon. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Assistant Planner Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The Klamath County Planning Department staff report was received. The Applicants appeared. Based upon the evaluation of the Staff Report and consideration of the other evidence received, the Hearings Officer makes the following findings of fact and conclusions and makes the following decision.

FINDINGS OF FACT

The Applicants want to partition an approximate 2.4 acre parcel into two 1.2 acre parcels which would each accommodate a single family non-farm residence. The subject property is located within

an EFU Zone and the subject parcel was created for non-farm use by a Land Partition prior to January 1, 1993.

DLCD called our attention to LUBA decision, Robert Harrell, Jr. and Harrell Land and Livestock, LTD. v. Baker County (28 OR LUBA 260 which held that ORS 215.263 (7) and ORS 215.284 (2) (c) prohibit further division of an EFU zoned parcel created prior to January 1, 1993.

CONCLUSION

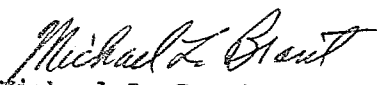
Klamath County is prohibited by State Law from granting the Land Partition requested.

The 2.4 acre parcel has been previously approved for a non-farm use dwelling.

ORDER

The requested Land Partition is denied.

Dated this 7th day of June, 1997


Michael L. Brant
Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.060 PROVIDES:

18316

"An Order of the Hearings Officer may be appealed to the Board of County Commissioners within seven (7) days of its mailing as set forth in Article 33."

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Hearings Officer the 13th day
of June A.D., 19 97 at 3:04 o'clock P. M., and duly recorded in Vol. M97,
of Deeds on Page 18314.

FEE No Fee Return: Commissioners Journal By Bernetha G. Letsch, County Clerk
Kathleen Russ