

BEFORE THE BOARD OF COUNTY COMMISSIONERS
In and for the County of Klamath, State of Oregon

IN THE MATTER OF THE APPEAL ON)
Wagon Trails)

O R D E R

THIS TRACT, being the Third Addition and Fourth Addition of Wagon Trails came on for hearing before the Klamath County Planning Commission on June 14, 1977, where from the testimony, reports and information produced at the hearing by the applicant, the Planning Department Staff and other persons in attendance, the Planning Commission made a motion that the Third and Fourth Addition of Wagon Trails Acreage be reconsidered with the access from the southerly end of the Subdivision being directly furnished to Highway 97. The Planning Commission made the following findings of fact:

1. Three members of the Planning Commission; Chairperson, Judith Bury, Commission Member, Charles Dehlinger and Commission Member, Don Kan; in addition, Carl Shuck and Pete Wall of the Klamath County Planning Department, inspected the property on Friday, May 6, 1977. A single road exists which travels northerly to a Deschutes County road, Matsen Road, which in turn, connects to Highway 97 north of the Klamath County line. The single access to the property is through pine forests and would be inadequate under LCDC's goal for Transportation Services. The inspecting group saw and photographed piles of trees and brush which creates a major fire hazard to the health, safety and welfare of the residents of the area. Should a fire occur which blocked

the single road, safety and welfare of the residents would be endangered. There is inadequate access to the subdivision.

2. An access road to Highway 97 was also recommended by the Gilchrist-Crescent Land Use Committee.

Pursuant to Section 1130 of the Klamath County Subdivision Ordinance, the applicant filed a notice of appeal for a hearing to the Klamath County Board of Commissioners.

A public hearing was regularly held on July 19, 1977. The said appeal before the Board of Commissioners was held, and it appeared to the Board of Commissioners from reviewing all pertinent evidence, testimony, and reports of information produced by the applicant, the Planning Commission, the Planning Department Staff, interested property owners in the area, and the Board of Commissioners made the following findings of fact:

1. Commissioner Thorne moved that the Planning Commission's decision to employ a southerly access be upheld by the Board of Commissioners and that decision being:

- A. Three members of the Planning Commission; Chairperson, Judith Bury; Commission Member, Charles Dehlinger and Commission Member, Don Karr, in addition, Carl Shuck and Pete Wall of the Klamath County Planning Department inspected the property on Friday, May 6, 1977. A single road exists which travels northerly to a Deschutes County road, Matsen Road, which in turn, connects to Highway 97 north of the Klamath County line. The single access to the property is through pine forests and would be inadequate under LCDC's goal for Transportation Services. The inspecting group saw and photographed piles of trees and brush which creates a major

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1 fire hazard to the health, safety and welfare of the
2 residents of the area. Should a fire occur which blocked
3 the single road, safety and welfare of the residents
4 would be endangered. There is inadequate access to the
5 subdivision.

6 B. An access road to Highway 97 was also recommended by
7 the Gilchrist-Crescent Land Use Committee.

8 2. The Board of Commissioners also pointed out that there is
9 only one access, that being from Deschutes County.

10 3. The Board of Commissioners also did not receive a guarantee
11 from the applicant about developing access from the southerly
12 end of Wagon Trails Subdivision.

13 NOW, THEREFORE, IT IS HEREBY ORDERED that the Third and
14 Fourth Additions of Wagon Trails generally located two miles west of
15 Highway 97, and bordered on the north by the Deschutes-Klamath County
16 line and more particularly located in the NE $\frac{1}{4}$ Section 1, TS23, R9
17 and the west $\frac{1}{4}$ Section 1, SE $\frac{1}{4}$ of Section 2, NE $\frac{1}{4}$ Section 11 and NW $\frac{1}{4}$
18 of Section 12, TS23, R9, as presented, is hereby denied; however,
19 if the Wagon Trails Subdivision is resubmitted showing access from
20 the south end of the subdivision to Highway 97, the Planning Commis-
21 sion will reconsider the plat, that plat being of the Third and
22 Fourth Addition of Wagon Trails.

23 DONE AND DATED THIS 1st day of August, 1977.

24 Lloyd Giff
25 Lloyd Giff
Chairman

26
27 APPROVED AS TO FORM
28 Bolvin & Bolvin & Aspell
County Legal Counsel

Nell Kuonen
Commissioner

By Raymond T. Thorne

Raymond T. Thorne
Raymond Thorne
Commissioner

STATE OF OREGON, COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 8th day of
September A.D., 19 77 at 2:10 o'clock P M., and duly recorded in Vol M77
of Deeds on Page 16698.

FEE \$ no fee

WM. D. MILNE, County Clerk

By Bernetha L. Little Deputy