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Vol. ^m 78 Page 14453

BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPEAL)
ON PRELIMINARY PLAT TRACT)
1162 - NO NAME)

O R D E R

THIS tract came on for hearing before the Planning Commission with said tract being numbered 1162 and a public hearing having been heard by the Klamath County Planning Commission on April 25, 1978, wherefrom the testimony, reports and information produced at the hearing by the Applicant, the Planning Department staff and other persons in attendance, a majority of the Planning Commission did not vote for for approval or disapproval of Tract 1162 and the tract was denied by reason of the lack of a majority vote by the Planning Commission. The Planning Commission did not submit any Findings of Fact or make any recommendations on this tract. The proposed subdivision is generally located approximately two (2) miles west of Beatty, Oregon, and immediately north of and adjacent to Highway 140, the Klamath Falls-Lakeview Highway and more particularly described as a portion of the S½ of Section 20 and all of Section 29 lying north of State Highway 140, Township 36S, Range 12 EWM, in Klamath County, Oregon.

Pursuant to Section 11.30 of Ordinance No. 14, 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 June 5, 1978, at which time the Board of Commissioners from reviewing all pertinent evidence and testimony, and reports and information produced by the applicant, the Planning Commission, the

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1 Planning Department and interested property owners in the area,
2 the Board of County Commissioners makes the following Findings
3 of Fact and Conclusions of Law:

4 Findings of Fact: (1) On June 5, 1978, before the
5 Board of County Commissioners, the Planning Department staff
6 testified that the majority of the proposed subdivision was
7 zoned AF (Agricultural-Forestry). The Board found that the
8 AF (Agricultural-Forestry) Zone with the 20 acre minimum lot
9 size is compatible with the surrounding properties and would
10 substantially reduce the change of conflicting uses while re-
11 training a good deal of OPEN SPACE, thus preserving the character
12 of the area.

13 (2) The Board of Commissioners found from the Planning
14 Commission minutes and testimony from the applicant that there
15 exists a need and demand for acreages of this size and that
16 there is a lack of this type of acreage in the area.

17 (3) The Board of Commissioners found that while the
18 Planning Commission did have a quorum present (five members)
19 with the majority vote being in favor of Tract 1162, a 3-2
20 vote, the Internal Rules of Procedure required five (5) votes
21 of the Planning Commission Body, of which the Planning Com-
22 mission did not have on April 25, 1978, and therefore was
23 denied at the April 25, 1978 Planning Commission hearing.

24 (4) Testimony from the applicants and their engineer,
25 Robert Lecklider, showed that they agreed with and would comply
26 with the recommendations submitted by the Subdivision Review
27 Committee.

28 (5) The Board of Commissioners found from the Soil

1 Conservation Service soils data and testimony from the applicants
2 that there is no prime agricultural land within the subject proper-
3 ty and that the use of the land is not economically feasible for
4 agricultural purposes.

5 (6) The Board of Commissioners found that State High-
6 way 140 is a paved, well-maintained public highway that would
7 provide adequate year-round access to the subject property.

8 (7) A letter from the Department of Fish and Wildlife,
9 dated April 17, 1978, expressed opposition to Tract 1162 since it
10 occupies a portion of their defined deer winter range. However,
11 the Board of Commissioners found from testimony by the applicants
12 and from maps produced by the Planning Department, that State
13 Highway 140 physically separates the subject property from the
14 rest of the deer range, that the majority of vegetation existing
15 on the property is not that normally utilized by deer for winter
16 feed and that the large 20 acre lot sizes would have a minimal
17 impact.

18 (8) A memorandum from Pacific Power and Light Company,
19 dated March 14, 1978, shows that electric power is available to
20 the proposed lots.

21 (9) A letter from the Department of Environmental
22 Quality, dated April 24, 1978, indicates that 20 acre parcels
23 are generally of sufficient size to gain septic tank approval.

24 Conclusions of Law: (1) A public need for the sub-
25 division, Tract 1162, was shown to the Klamath County Board of
26 Commissioners on June 5, 1978.

27 (2) Goal 3 (Agricultural Lands) of the LCDC Goals and
28 Guidelines does not apply in this instance since the land is not

1 prime agricultural land and is not economically feasible for
2 agricultural uses.

3 (3) The large lot size of 20 acres is compatible with
4 the existing AF (Agricultural-Forestry) and F (Forestry) zoning
5 and is in compliance with LCDC Goal 5 which conserved Open Space.

6 (4) The proposed plat would be best and most appro-
7 priate use of the subject property.

8 (5) The proposed plat does not demonstrate consider-
9 able conflicting use with surrounding properties or the deer
10 winter range.

11 (6) State Highway 140 provides adequate and safe
12 access to the subject property and complies with Goal 12 (Trans-
13 portation) of LCDC Goals and Guidelines.

14 (7) The proposed subdivision complies with LCDC Goal
15 11 (Public Facilities and Services) in that electric power is
16 readily available to the site and that septic tanks are suitable
17 for this area.

18 NOW THEREFORE, IT IS HEREBY ORDERED that Tract 1162
19 to be subdivided from one (1) lot approximately 480 acres in size
20 to 23 lots with a minimum lot size of 20 acres, located generally
21 two (2) miles west of Beatty and more particularly described as a
22 portion of the S½ of Section 20 and all of Section 29 lying north
23 of State Highway 140, Township 36S, Range 12EWM, in Klamath County,
24 Oregon, is hereby APPROVED.

25 DONE AND DATED THIS 30th DAY OF JUNE, 1978.

26 Nell Kuonen
27 Chairman
28 Nell Kuonen

Floyd Wynne
Commissioner
Floyd Wynne

Lloyd Gift
Commissioner
Lloyd Gift

APPROVED AS TO FORM:
BOIVIN, BOIVIN AND ASPELL:
TRACT 1162

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 5th day of July A.D., 1978 at 4:28 o'clock P M., and duly recorded in Vol. M78 of Deeds on Page 14453.

FEE None

WM. D. MILNE, County Clerk

By Bernetha Adetich

Deputy