

BOARD OF COUNTY COMMISSIONERS  
KLAMATH COUNTY, OREGON

IN THE MATTER OF APPEAL )  
ON PRELIMINARY PLAT TRACT 1162 ) MINORITY REPORT  
FOR WILLIAM AND NADINE GALLAGHER)

THIS TRACT having come 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, the Planning Commission denied the tract by reason of the lack of a quorum vote. Tract 1162 is generally located approximately two miles west of Beatty, Oregon, and is immediately north of and adjacent to Highway 140 and more particularly described as all of Sections 20 and 29 lying north of State Highway 140, Township 36S, Range 12EWM in Klamath County, Oregon. The Planning Commission made no findings of fact or recommendations on this tract.

Pursuant to Section 11:30, page 41, of the Klamath County Subdivision Ordinance, the applicant filed a letter of appeal for a hearing to the Klamath County Board of Commissioners. A public hearing was regularly held on June 5, 1978, wherefrom the testimony, reports and information produced by the applicant, the Planning Commission, the Planning Department and others; the Klamath County Board of Commissioners APPROVED Tract 1162.

MINORITY REPORT: The following constitutes my, Lloyd Gift, minority report in the action taken by the Klamath County Board of Commissioners relative to Tract 1162 (no name).

FINDINGS OF FACT: 1. Testimony before the Planning Commission on April 25, 1978, states that the intent of the AF (Agricultural-Forestry) Zone is for agricultural and forestation activities and the intent of the F (Forestry) Zone is for the production of timber crops and other natural resources which are normally associated with timber enterprises. The testimony indicated that the subdivision would be primarily for residential uses and would not meet the intent of the AF and F zoning.

2. A letter from the Beatty Area Committee Chairman, Mark Valens, dated April 10, 1978, states that the area committee goals express a desire to maintain a quiet, rural atmosphere and specifically discourage the development of more subdivisions in the area. The same letter states that the area committee wishes to preserve agricultural lands and that, in view of the fact, Klamath County has not adopted Exclusive Farm Use Zoning as required by LCDC Goal 3 and the LCDC opinion of Lord and Skreptos of the possibility that a whole ranch

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should be zoned EFU; the approval of a subdivision in the area might be premature. The letter indicated that it would be better to wait until the County has adopted a comprehensive plan upon which to base its decisions, rather than make piecemeal decisions now.

3. A letter from Rod Ingram, District Wildlife Biologist, dated April 17, 1978, states that the proposed Tract 1162 is located in the lower limit of the deer winter range and that the development would seriously impact wintering deer and their winter habitat in the area.

4. Data provided by the Soil Conservation Service reveals that the soil type for the tract is a Lorella, very stoney loam which is rated SEVERE for dwellings, local roads and streets, septic tanks and erosion hazards.

5. Testimony before the County Board of Commissioners indicated that there are other parcels of land in the area that have been subdivided and are available for sale.

6. Testimony before the Planning Commission and Board of County Commissioners failed to establish the fact that the best and most appropriate use of the property would be for residences.

CONCLUSIONS OF LAW: 1. The proposed tract would not be in keeping with the land use plans and zoning adopted by Klamath County.

2. The proposed tract would seriously impact the deer winter range and would violate LCDC Goal 5 that pertains to wildlife areas and habitats.

3. The proposed tract is not in compliance with LCDC Goal 3 which relates to the preservation of agricultural lands.

4. The proposed tract violates LCDC Goal 14 which would provide for an orderly and efficient transition from rural to urban land use.

5. The proposed tract does not represent the best and most appropriate use of the land affected.

6. The applicant failed to show an adequate public need for the subdivision.

Incorporated above Findings of Facts and Conclusions of Law for denial of Tract 1162.

Dated: June 29, 1978

Lloyd Gift  
Lloyd Gift, Member  
Klamath County Board of  
Commissioners

Commissioners Journal

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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., 19 78 at 4:28 o'clock P M., and duly recorded in Vol. M78 of Deeds on Page 14457.

FEE None

WM. D. MILNE, County Clerk

By Bernetha D. Hetch Deputy