

## BOARD OF COUNTY COMMISSIONERS

Klamath County, Oregon

IN THE MATTER OF APPEAL )  
ON PRELIMINARY PLAT TRACT )  
1164-VALLEY ACRES )

O R D E R

THIS tract came on for hearing before the Planning Commission with said tract being numbered 1164 (Valley Acres) 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 voted to continue the item to May 23, 1978, for decision only. On May 23, 1978, a majority of the Planning Commission voted to disapprove Tract 1164 (Valley Acres) based upon the following Findings of Fact:

1. The proposed tract is in violation of Area Committee goals and guidelines of protecting agricultural and forestry lands as well as wildlife which are also LCDC Goals 1, 3, 4 and 5.

2. Schools in the area are at capacity with no budgeted expansion plans.

3. Evidence was shown of 50 lots for sale now, ranging in size from 1 to 50 acres. There are about 11,570 lots in the Sprague River-Beatty Area which is 55% of the total recreational subdivisions in Klamath County.

4. The area is not adequately protected from fire.

5. The proposed tract would be detrimental to adjacent property which is now in agricultural and forestry uses.

6. The proposed tract is in violation of LCDC Goals

1 1, 2, 3, 4, 5, 11 and 13.

2 Commissioner Dehlinger went on record as voting "no"  
3 on the item so that the applicant could appeal to the Board of  
4 County Commissioners if he so wanted. The proposed subdivision  
5 is generally located approximately 2.7 miles east of the town of  
6 Sprague River, lying south of the Sprague River Highway, and more  
7 particularly described as being situated in Sections 19 and 20,  
8 Township 36S, Range 11 EWM in Klamath County, Oregon.

9 Pursuant to Section 11.30 of Ordinance No. 14, the  
10 Klamath County Subdivision Ordinance, the applicant filed a notice  
11 of appeal for a hearing to the Klamath County Board of Commission-  
12 ers. A public hearing was regularly held on July 24, 1978, at  
13 which time the Board of Commissioners from reviewing all pertin-  
14 ent evidence and testimony, and reports and information produced  
15 by the applicant, the Planning Commission, the Planning Department  
16 and interested property owners in the area, the Board of County  
17 Commissioners makes the following Findings of Fact and Conclusions  
18 of Law:

19 1. The Board of Commissioners found that the Sprague  
20 River Highway is a paved, well-maintained public highway that  
21 would provide adequate year-round access to the subject property.

22 2. The Board of County Commissioners found that the  
23 Sprague River Area Committee had considered the subdivision at a  
24 meeting on April 11, 1978, and had voted to recommend approval  
25 of Tract 1164 (Valley Acres) to the Klamath County Planning Com-  
26 mission.

27 3. The Board of County Commissioners found that the  
28 subject property had been previously approved for a subdivision.

1 on September 28, 1971, by the Klamath County Planning Commission.

2 4. The Board of County Commissioners found that the 20  
3 acre minimum size of the proposed lots would meet the intent of  
4 the AF (Agricultural-Forestry) zoning. The large lot size would  
5 be compatible with surrounding properties, substantially reduce  
6 the change of conflicting uses while retaining a good deal of  
7 OPEN SPACE, thus preserving the character of the area.

8 5. The Board of County Commissioners found from an  
9 Oregon State Department of Fish and Wildlife letter dated April 17  
10 1978, that the proposed subdivision would not seriously impact  
11 wildlife populations of the Sprague River Valley and did not lie  
12 within any deer winter range.

13 6. The Board of County Commissioners found that the  
14 fire department in Sprague River could provide adequate fire pro-  
15 tection for Tract 1164 (Valley Acres), that telephone and elec-  
16 trical service was available to the subdivision and that the  
17 Department of Environmental Quality, in a letter dated April 24,  
18 1978, indicated that twenty acre parcels are generally of suf-  
19 ficient size to gain septic approval.

20 7. A letter dated June 24, 1978, from A. E. Gross,  
21 Agronomist, stated that he had appraised the property and that of  
22 the 370 acres under consideration only 75-80 acres were in any  
23 way suitable for commercial agriculture and this was too small an  
24 acreage to be economically viable. The balance of the area was  
25 suited neither for crops nor forests and that the costs of  
26 sprinkler irrigation for pasture grasses would be prohibitive.

27 Conclusions of Law:

28 1. A public need for the subdivision, Tract 1164

1 (Valley Acres) was shown to the Klamath County Board of Commis-  
2 sioners on July 24, 1978.

3           2. Goal 1 (Citizen Involvement) has been complied with  
4 and the approval of the subdivision is in keeping with the area  
5 committee's recommendations.

6           3. Goal 3 (Agricultural Lands) and Goal 4 (Forestry  
7 Lands) do not apply in this instance since it was shown that the  
8 subject property is neither prime agricultural or forestry lands  
9 and would not be economically feasible for those purposes.

10           4. The large lot size of 20 acres is compatible with  
11 the existing AF (Agricultural-Forestry) zoning and is in com-  
12 pliance with LCDC Goal 5 which conserves OPEN SPACE.

13           5. The approval of the subdivision would not be in  
14 conflict with LCDC Goal 6 (Air, Water and Land Resources Quality).

15           6. The approval of Tract 1164 (Valley Acres) complies  
16 with LCDC Goal 10 which allows for flexibility of housing location  
17 type and density while providing additional housing for citizens  
18 of Klamath County.

19           7. LCDC Goal 11 is addressed by the fact that telephone  
20 and electric service is available to the subdivision, fire pro-  
21 tection is available from Sprague River and that septic tanks are  
22 suitable for the area.

23           8. The Sprague River Highway provides adequate and  
24 safe access to the subject property and complies with Goal 12  
25 (Transportation).

26           9. The proposed plat would be the best and most ap-  
27 propriate use of the property.

28           NOW, THEREFORE, IT IS HEREBY ORDERED that Tract 1164

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1 (Valley Acres) to be subdivided from one (1) lot approximately  
2 378 acres in size into 18 lots with a minimum lot size of 20 acres  
3 located generally 2.7 miles east of the town of Sprague River and  
4 lying south of the Sprague River Highway and more particularly  
5 described as being situated in Sections 19 and 20, Township 36S,  
6 Range 11 EWM, in Klamath County, Oregon, is hereby APPROVED.

7 DONE AND DATED THIS 21st DAY OF AUGUST, 1978.

8  
9 CHAIRMAN

10 Harold L. Kypreus  
11 COMMISSIONER

12  
13 COMMISSIONER

14  
15 APPROVED AS TO FORM:  
16 Boivin, Boivin & Aspell

17 Robert D. Boivin  
18 Legal Counsel

19 STATE OF OREGON; COUNTY OF KLAMATH; ss.

20 I, the undersigned, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.  
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