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BEFORE THE BOARD OF COMMISSIONERS

Vol. 78

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FOR THE COUNTY OF KLAMATH

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

MINORITY REPORT

This tract having come 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, 2, 3, 4, 5, 11 and 13.

Commissioner Dehlinger went on record as voting "no" on the item so that the applicant could appeal to the Board of County Commissioners if he so wanted. The proposed subdivision is generally located approximately 2.7 miles east of the town of Sprague River, lying south of the Sprague River Highway, and more particularly described as being situated in Sections 19 and 20, Township 36S, Range 11 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 July 24, 1978, at which time the Board of Commissioners from reviewing all pertinent evidence

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and testimony, and reports and information produced by the applicant, the Planning Commission, the Planning Department and interested property owners in the area, the Board of County Commissioners APPROVED Tract 1164, Valley Acres.

MINORITY REPORT: The following constitutes my, Lloyd Gift, minority report in the action taken by Klamath County Board of Commissioners relative to Tract 1164, Valley Acres.

Findings of Fact:

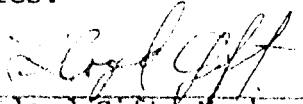
1. Testimony before the Planning Commission on April 25, 1978, states that the intent of the AF (Agricultural-Forestry) Zone is for agricultural and forestation activities. The testimony indicated that the subdivision would be primarily for residential uses and would not meet the intent of the AF zoning.
2. 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.
3. 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.
4. Testimony before the Planning Commission and Board of County Commissioners indicated that the proposed development would have an adverse effect on neighboring properties.
5. The proposed development would adversely effect existing public facilities in the area, especially schools.

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 is not in compliance with LCDC Goal 3 which relates to the preservation of agricultural lands.
3. The proposed tract violates LCDC Goal 14 which would provide for an orderly and efficient transition from rural to urban land use.
4. The proposed tract does not represent the best and most appropriate use of the land affected.
5. 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 1164, Valley Acres.

Dated: August 29, 1978

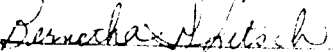

Lloyd Gift, Member
Klamath County Board of
Commissioners

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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 30th day of August A.D., 1978 at 2:18 o'clock A. M., and duly recorded in Vol. 1178 of Deeds on Page 19158.

FEE None

WM. D. MILNE, County Clerk
By  Deputy