

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPEAL)
ON PRELIMINARY PLAT - TRACT)
1172 - SHIELD CREST)

O R D E R

THIS TRACT came on for hearing before the Klamath County Planning Commission upon the application for Tract 1172 - Shield Crest, and a public hearing having been heard by the Planning Commission on August 15, 1978 and August 29, 1978, wherefrom the testimony, reports and exhibits introduced at the hearings by the Applicant, the Planning Department Staff and other persons in attendance, a majority of the Planning Commission voted to approve Tract 1172, Shield Crest on the condition that Booth Road not be used as access to the proposed subdivision.

The proposed subdivision is generally located approximately one-half mile north of Highway 140 and approximately one mile northeast of the Merrill-Lakeview Junction, and more particularly described as being situated in the S½ of the SW½ of Section 5, Township 39S, Range 10 E.W.M. in Klamath County, Oregon.

Pursuant to Section 11.30 of Ordinance No. 14, the Klamath County Subdivision Ordinance, the Applicants, J. Bruce Owens, E. Marie Owens, Robert E. Cheyne and Helen J. Cheyne, filed a Notice of Appeal for a hearing to the Klamath County Board of Commissioners on September 5, 1978. A public hearing was regularly held on October 12, 1978, at which time the Board of Commissioners in reviewing all pertinent evidence and testimony, reports and exhibits introduced by the Applicant, the Planning Commission, the Planning Department Staff, and other persons in attendance,

1 the Board of County Commissioners makes the following Findings of
2 Fact and Conclusions of Law:

3 FINDINGS OF FACT:

4 1. The proposed access to the subdivision is via Booth
5 Road and Highway 140.

6 2. Testimony has indicated that the Booth Road and
7 Highway 140 intersection is a hazardous one.

8 3. Testimony indicates that the Applicants own the
9 property between the proposed subdivision and Highway 140 to the
10 south.

11 4. Testimony also indicated that a better access could
12 best be constructed directly south of the proposed subdivision
13 which would connect directly to Highway 140.

14 CONCLUSIONS OF LAW:

15 1. LCDC Goal No. 12, Transportation, has not been met
16 in that the proposed access to the subdivision occurs at a
17 hazardous intersection which would directly affect the health,
18 safety and welfare of the public.

19 2. It is recommended that the Applicants reapply for a
20 zone change from A (Agriculture) to SP-16 (Planned Unit Develop-
21 ment) on the southern portion of the property with a 50 foot
22 buffer along Highway 140. This would allow more feasible and
23 safer access through the center of the property off of Highway 140
24 as well as allow development of the southern portion of the
25 property.

26 NOW, THEREFORE, it is hereby ordered that the Appeal of
27 Tract 1172 - Shield Crest, is hereby denied, and Tract 1172 -
28 Shield Crest, is approved subject to the following conditions:

1 1. Main access to the proposed subdivision shall not be by
 2 way of the Booth Road and Highway 140 intersection.

3 DONE AND DATED THIS 4th DAY OF December, 1978.

4 *Neil Kuonen*
 5 Chairman

6
 7 *Raymond L. Kuonen*
 8 Commissioner

9 *Logd Gift*
 10 Commissioner

11
 12 APPROVED AS TO FORM:
 13 Boivin, Boivin and Aspell

14 By: *Boivin*

15

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
December A.D., 1978 at 4:44 o'clock P M., and duly recorded in Vol. M78,
 of Deeds on Page 27396.

FEE None

WM. D. MILNE, County Clerk

By *Bernice Schleich* Deputy

21

22

23

24

25

26

27

28