BEFORE THE PLANNING COMMISSION

KLAMATH COUNTY, OREGON

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IN THE MATTER OF VARIANCE 8-87)
FOR ED SHIPSEY) ORDER
)

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I. NATURE OF APPLICATION

A hearing on this request was conducted October 27, 1987, before the Klamath County Planning Commission. The Variance request was to vary the length of a cul-de-sac from 1,000 feet (LDC Section 71.014) to the 1,400 foot +/- proposed by related case, Tract 1234. This hearing was conducted pursuant to Ordinances No. 44 and No. 45.

II. NAMES OF THOSE INVOLVED

The applicant, Ed Shipsey, was present and testified in behalf of the request. Steve Zamsky, Attorney-at-Law, was present representing the applicant. Bill Hunt, Oregon Department of Forestry; Richard Bergstrom, and Michele Renicker testified against the granting of the Variance. John Schoonover offered testimony from a neutral position. The Planning Department was represented by Kim Lundahl, Senior Planner. Karen Burg was the recording secretary.

III. LEGAL DESCRIPTION

The property is located approximately one-half mile southwest of the Keno-Worden Road and approximately 3.5 miles south of Keno. The legal description of the property is the NE¼ of the SW¼ of Section 20, Township 40S, Range 8EWM, Tax Lot 7400.

IV. RELEVANT FACTS

The property has a Rural Plan designation with an implementing zone of R-1 (Rural, One-Acre Minimum).

The property is rectangular in shape and is 20 acres in size. The topography is generally flat. The vegetation consists of

sagebrush, scattered juniper, pine and native grass. The area is not being used for agricultural purposes. The SCS Soil Class is V. The Timber Site Productivity Rating is VI. The surrounding lands in the immediate area are subdivided into lots ranging in size from 1.5 to 20 acres in size (Cedar Trails Subdivision).

Access will be off an existing road in Cedar Trails Subdivision. The road, Overland Drive, is cindered.

The following exhibits were received and made a part of the record:

Klamath County Exhibit A, Staff Report
Klamath County Exhibit B, Preliminary Plat, Tract 1234
Klamath County Exhibit C, Assessor's Map
Klamath County Exhibit D, Hydrology Report
Klamath County Exhibit E, Photographs
Klamath County Exhibit F, Deer Winter Range Map
Klamath County Exhibit G, ODFW Letter 5-5-87
Klamath County Exhibit H, History
Klamath County Exhibit I, Code Requirements
Klamath County Exhibit J, Public Works Letter 8-24-87
Klamath County Exhibit K, Tract Maps Submitted by Applicant
Klamath County Exhibit L, Keno RFPD Letter 6-8-87

V. RELEVANT APPROVAL CRITERIA

This request is considered pursuant to Article 43 of the Land Development Code.

VI. FINDINGS AND CONCLUSIONS

Testimony presented by those in opposition to this Variance demonstrated the criteria outlined in Section 43.003 of the Code have not been met. Testimony presented by the Department of

Forestry demonstrated the public health, safety, and welfare may be in jeopardy should this Variance be granted.

The applicant did not satisfy the relevant approval criteria in that:

A. A literal enforcement of this Code would not result in practical difficulty or unnecessary hardship.

B. That the condition causing the difficulty was created by the applicant.

C. That the granting of the Variance will be detrimental to the public health, safety, and welfare or to the use and enjoyment of adjacent properties and will be contrary to the intent of this Code.

VIII. ORDER

Therefore, it is ordered Variance 8-87 for Ed Shipsey be denied.

Dated this 3rd Day of November, 1987.

PRESIDING OFFICER AT THE PLANNING COMMISSION

SECRETARY TO THE PLANNING COMMISSION

APPROVED AS TO FORM AND CONTENT:

Michael Spencer, County Legal Counsel

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Department the 3rd day of November A.D., 19 87 at 4:01 o'clock P M., and duly recorded in Vol. M87, of Deeds on Page 19967.

FEE NONE
Return: Commissioners' Journal

Evelyn Biehn, County Clerk
By