

BEFORE THE PLANNING DIRECTOR
KLAMATH COUNTYIN THE MATTER OF VARIANCE CASE 3-96
FOR FRANK GOODSON AS RELATED TO TRACT 1316

NARRATIVE:

This application came before the Planning Director on MARCH 27, 1996 and was considered per the review criteria set out in Article 43 of the Land Development Code. The applicant requested the Planning Director grant a variance to minimum roadway development standards as required by Sections 71.100 D of the Land Development Code. Preliminary Tract 1316 depicts proposed cul-de-sac lengths which exceed the standard required of not more than 700 feet.

FINDINGS:

Upon consideration of the applicants testimony received, exhibits submitted and evidence entered by the Staff, the Planning Director finds for approval based on the following as applied to the review criteria in Section 43.030:

1. The literal enforcement of this code would create unnecessary hardships to the owners of the owner of this proposed tract. Parcelization would be impossible if strict compliance to the Code is required.
2. The condition was not created by the current owners, but by the difficulty of the topography as it relates to the zoning applied, NR.
3. The granting of this variance will only entitle owners/successors the same property rights as others in Klamath County in title to properties under the same zoning classification.

ORDER:

Therefore, Variance Case 3-96 to the roadway standards requested is approved for the proposed roadways as shown on Preliminary Tract 1316 as approved by the Planning Commission on JANUARY 23, 1996.

Dated this 27th day of March, 1996


Planning Director

APPEAL RIGHTS

You are notified this decision may be appealed to the Board of County Commissioners within seven days of the date of mailing. To insure your right to appeal contact the Planning Department immediately.

CONFORMANCE WITH RELEVANT KLAMATH COUNTY POLICIES:

The review criteria of Section 44.030 of the Land Development Code requires that:

- A. The use complies with policies of the Comprehensive Plan.
- B. The use is in conformance with all other required standards and criteria of this code.
- C. The location, size, design, and operating characteristics of the proposed use will not have a significant adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

Notice was sent out to 33 surrounding property owners as well as to 8 agencies of concern. To date, five letters have been received in opposition to the proposal

The main issues raised in the opposition letters received include adequacy of streets to meet traffic needs, water, sewer, drainage, property values, pollution, impact upon schools.

The surrounding property consists mostly of single family dwellings.

The City and County school districts were both notified of the proposal and no response was received from either district.

RECOMMENDATION:

The Planning Director, based on input from notified property owners, hereby refers this matter to the Hearings Officer for a public hearing pursuant to Land Development Code Section 22.050(B)(3) so that the issues raised may be addressed in a public forum. A public hearing will be held before the Klamath County Hearings Officer will be held on May 3, 1996. All parties will receive notification of the new hearing date.

Dated this 27th day of March, 1995.



Carl Shuck, Planning Director

NOTICE OF APPEAL RIGHTS

The Klamath County Land Development Code provides that this decision may be appealed to the Board of County Commissioners no later than 7 days following mailing of this decision. Appeal information may be obtained at the Klamath County Planning Department

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning the 28th day of March A.D., 19 96 at 10:36 o'clock AM., and duly recorded in Vol. M96 of Deeds on Page 8648.

FEE \$NO FEE

Return: Commissioners Journal

By Bernetha G. Letsch, County Clerk