

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

Vol. 1781 Page 2272

95788

IN THE MATTER OF THE APPEAL)
OF TRACT 1214, DESCHUTES LAND)
SALES, UNIT NO. 2)

O R D E R

THIS TRACT, being Tract No. 1214, named Deschutes Land Sales, Unit No. 2, came on for hearing before the Klamath County Planning Commission with public hearings having been heard on September 30, 1980, October 28, 1980, and November 25, 1980, wherefrom the testimony, reports, and information produced at the hearings by the applicant, Planning Department Staff, and other persons in attendance, the Planning Commission denied their motion of approval of Tract No. 1214, Deschutes Land Sales, Unit No. 2, generally located two (2) miles south of the intersection of Crescent Cutoff Road and Forest Service Road No. 254 and approximately four and one-half miles west of Crescent, Oregon.

On December 5, 1980, the applicant, John Schoonover, appealed the decision of the Planning Commission to the Board of County Commissioners. On January 5, 1981, the Board of County Commissioners after reviewing all pertinent evidence and testimony, reports, and information produced by the applicant, the Planning Department Staff and interested property owners in the surrounding area, the Board of County Commissioners' motion was for a decision only within thirty-five (35) days.

On January 28, 1981, the Board of County Commissioners, from reviewing the record that was set forth made the following Findings of Fact and Recommendations on Tract No. 1214.

FINDINGS OF FACT:

201 FEB 11 PM 2 24

1 1. The Board of County Commissioners found that the
2 Comprehensive Land Use Plan is Residential Recreation and the
3 Zone is SP-1 (Rural Residential).

4 2. The Board of County Commissioners found that the
5 property is an eighty-acre rectangle which is adequate for the
6 proposed use, being for recreational residential lots approximate-
7 ly five acres each in size.

8 3. The Board of County Commissioners found that the site
9 is located east of Forest Service Road No. 254 about two miles
10 south of the junction of Road No. 254 and the Crescent Cutoff
11 County Road which makes it six miles west of the town of Crescent.

12 4. The Board of County Commissioners found that the
13 access to the property is through Forest Service Road No. 254
14 which is a dirt road and a recorded sixty-foot non-exclusive
15 easement from Pope and Talbot, and verification of access was
16 provided by the applicant.

17 5. The Board of County Commissioners found that there
18 will be limited adverse effect on the surrounding property as
19 the land use trends in the area, approximately 28% of the land
20 in the area is privately owned recreation-type home sites.

21 6. The Board of County Commissioners found that the need
22 for the change is to provide additional recreational residential
23 sites as stated by the applicant and made part of the record.

24 7. The Board of County Commissioners found notice of
25 this hearing was sent to all affected agencies, departments, the
26 Crescent Lake Area Committee, and all property owners within 250
27 feet of the proposed subdivision. Notice was also published in
28 the Herald and News newspaper and posted as required by law,

1 therefore addressing L. C. D. C. Goal No. 1.

2 8. The Board of County Commissioners found that the
3 SCS Soil Association of this area is primarily LaPine-Shanahan,
4 which areas are dominated by excessively to moderately well drain-
5 ed, ashy and cindery soils; the SoilsClass Rating is VI, which
6 has soils with severe limitations that make them generally un-
7 suited to cultivation and restrict their use largely to pasture,
8 range, woodland, or wildlife, therefore addressing L. C. D. C.
9 Goal No. 3.

10 9. The Board of County Commissioners found that the
11 proposed subdivision would provide for additional job opportuni-
12 ties during the construction process, would add to the existing
13 county tax base, and would create no known significant adverse
14 effects on economy of the area, therefore addressing L. C. D. C.
15 Goal No. 9.

16 10. The Board of County Commissioners found that the
17 proposed subdivision is close to abundant open space and natural
18 recreational opportunities, therefore addressing L. C. D. C.
19 Goal No. 8.

20 11. The Board of County Commissioners found that the
21 proposed subdivision would allow for the development of sixteen
22 additional single-family residential lots in the area, therefore
23 addressing L. C. D. C. Goal No. 10.

24 12. The Board of County Commissioners found that the pro-
25 posed subdivision is within the Gilchrist School District, there-
26 fore addressing L. C. D. C. Goal No. 11.

27 13. The Board of County Commissioners found that there are
28 no known significant adverse effects on energy conservation

1 anticipated, therefore addressing L, C, D, C, Goal No. 13.

2 14. The Board of County Commissioners found that the
3 property is located outside any proposed Urban Growth Boundary
4 and outside of any rural community boundaries as the proposed
5 development is primarily for recreational residences.

6 RECOMMENDATIONS:

7 1. Any existing and/or proposed deed restrictions to be
8 presented to the Planning Commission.

9 2. If a central water supply system is not to be pro-
10 vided, the subdivider must submit a written hydrology report
11 documenting the availability of water and the general history of
12 wells in the area. This document must be prepared by a registered
13 engineer.

14 3. Subdivision approval to be contingent on approval of
15 Comprehensive Land Use Plan and Zone Change No. 80-41 for John
16 Schoonover.

17 4. Variance needed for excessive block length (2640 feet
18 maximum allowed) prior to final approval.

19 5. Sixteen variances needed for excessive lot depth on
20 Block 1, Lots 1 through 16, prior to final approval.

21 6. Final plat to indicate the following:

22 a. Zone, SP-1 (Rural Residential), subject to
23 approval of Zone Change No. 80-41.

24 b. Comprehensive Land Use Plan, Residential Recrea-
25 tion, subject to approval of Comprehensive Land Use Plan and
26 Zone Change No. 80-41.

27 c. Statement indicating that building line setbacks
28 will conform to the SP-1 (Rural Residential) zone standards.

d. Flood hazard areas per Housing and Urban Development Flood Hazard Map to be indicated as drainage easement on final plat map.

- e. Gross acreage of subdivision to be indicated.
- f. Width and name of access easement to be indicated.
- g. Powerline easement to be indicated on final plat.
- h. Block number to be indicated.
- i. Adjacent property owners to be indicated.

- 7. Place one-foot street plug at each end of Marsha Way.
- 8. Place one-foot reserve strip along the entire length of Marsha Way on the west side.

9. Subdivision boundary is to include access road which will be improved to the same standard as Marsha Way.

10. Permit to be obtained from the Forest Service to use Forest Service Road No. 254 as access to subdivision.

11. Access road to intersect Forest Service Road No. 254 at a ninety-degree angle unless prohibited by topography.

12. Tract to be annexed into a Fire District for fire protection.

NOW, therefore, it is hereby ordered that Tract No. 1214, Deschutes Land Sales, Unit No. 2, being approximately eighty acres, to be subdivided into sixteen (16) lots, with a minimum parcel size being five (5) acres in size, and generally located two (2) miles south of the intersection of Crescent Cutoff Road and Forest Service Road No. 254 and approximately four and one-half miles west of Crescent, Oregon, and more particularly described as being in Township 25, Range 8, W $\frac{1}{2}$, SE $\frac{1}{4}$, of Section 5 of Klamath

2277

1 County, Oregon, is hereby approved,
2
3

DONE AND DATED THIS 10th DAY OF February, 1981.

Lee Kuonen
Chairman

Harold L. Myrnes
Member

Alvin T. Payne
Member

12 APPROVED AS TO FORM:
13 Boivin & Boivin

14 BY Robert D. Boivin

18 STATE OF OREGON; COUNTY OF KLAMATH; ss.

19 Filed for record at request of Klamath County

20 this 11th day of February A. D. 19 81 at 2:24 o'clock P. M., and
21 duly recorded in Vol. M81, of Deeds on Page 2272

22 By Evelyn Biehn, County Clerk

23 No Fee

24 COMMISSIONER'S JOURNAL