

17868

BOARD OF COUNTY COMMISSIONERS

16764

KLAMATH COUNTY, OREGON

Vol. 1782 - Page 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE MATTER OF THE APPEAL)
OF TRACT 1234 - DEER KNOLL)
DEVELOPED BY ED SHIPSEY)

O R D E R

ED SHIPSEY, is the applicant for Tract 1234 - Deer Knoll subdivision and a Variance for an excessive cul-de-sac length, which were approved by the Klamath County Planning Commission on August 24, 1982. The request is to subdivide approximately 20.5 acres into 18 lots with a minimum lot size of one acre. Property is described as being a portion of Section 20, Township 40 S, Range 8, EWM, Tax Account Number - 4008-2000-7400. The excessive cul-de-sac length variance was for Deer Trail Drive, the only street in the subdivision.

The following property owners appealed the approval of Tract 1234 and the Variance to the Klamath County Board of Commissioners: Ralph McCormic, Richard Bergstrom, Mavis McCormic, Vernon Munion, Michele Renicker, Gary Renicker, R. Dale Taylor, Linda Taylor, and Carol Patzkowsky. The appeal was reviewed by the Klamath County Board of Commissioners at a public hearing on November 8, 1982. On this date, the Board of Commissioners moved to uphold the Planning Commission on their approval of Tract 1234, Deer Knoll and the excessive cul-de-sac length Variance for Ed Shipsey and deny the appeal. The Board of County Commissioners also incorporated the Findings of Fact and Conclusions of Law and the conditions as set forth by the Planning Commission on Tract 1234.

The Board of Commissioners finds that:

1 1. The site is adequate in size and shape to accommodate
2 the proposed subdivision.

3 2. The one-acre lots in the proposed subdivision do
4 conform to lot sizes in the general area as indicated by Klamath
5 County Exhibit "C" - Assessor's Map.

6 3. The site has adequate access to streets and highways,
7 and the access can adequately accommodate the increased traffic
8 flow.

9 4. The proposed 60-foot wide excessively long cul-de-sac
10 will open an access-way for fire protection to areas which
11 previously had no access. Said cul-de-sac street will have a
12 60-foot right-of-way with 32 feet of improved road surface and a
13 50-foot radius turn-around at the end which road standards will
14 adequately accommodate fire equipment while allowing ingress and
15 egress.

16 5. The proposed subdivision will have no significant
17 adverse impacts on surrounding property as long as restrictions
18 stated in Klamath County Exhibit "D" are imposed. Among these
19 imposed conditions and restrictions, mobile homes are prohibited,
20 membership in the Cedar Trails Home Owners Association for road
21 maintenance is required, the 1350 square-foot minimum house size
22 is required and other restrictions as stated in Klamath County
23 Exhibit "D" - Code Requirements and Recommendations are also
24 required.

25 The approval of this tract and the denying of this
26 appeal are consistent with the goals of the LCDC as follows:
27

28 1. There was adequate citizen involvement. Notice of
APPEAL OF TRACT 1234
Page -2-

1 the hearing was advertised and posted as required by law and
2 property owners within 250 feet and affected agencies were also
3 notified.

4 2. Zoning of the property is RR (Rural Residential),
5 which accommodates the proposed subdivision and complies with the
6 Klamath County Comprehensive Plan. The proposed subdivision is
7 surrounded by the Cedar Trails Subdivision.

8 The excessive cul-de-sac length variance is necessary
9 due to the fact that the 20-acre proposed subdivision is complet-
10 ely surrounded by a subdivision. Due to the shape of the property
11 and the location of existing roads in the subdivision, the
12 excessively long cul-de-sac was designed. The exceptional
13 circumstance does not apply to other properties in the area and
14 result from size and shape legally existing prior to the effective
15 date of this Code.

16 This subdivision does not fall under Ordinance 48 since
17 the SCS soil class is VII.

18 3. The SCS soils class is VII which soils are suitable
19 only to occasional grazing and do not fall under the State's
20 definition of Agricultural Lands.

21 4. The area has no Timber Site Productivity Rating;
22 therefore, Goal 4 does not apply.

23 5. The subdivision lies in the secondary buffer zone for
24 the Bear Valley Bald Eagle Roost; however, no input was received
25 from state or federal wildlife officials indicating tacit
26 approval.

27 6. No development will occur without DEQ approval. This
28

1 requirement should protect land resources quality.

2 7. The area has a Medium Wildfire Hazard Rating but is
3 served by a fire district.

4 8. Recreational needs are met by nearby public lands.

5 9. The tax base of the county will be increased as lots
6 are sold and developed.

7 10. The proposed subdivision will provide for 18 additional
8 rural residential lots.

9 11. The proposed subdivision will be served by a fire
10 district and school district. Water and sanitary facilities will
11 be provided by individual wells and septic systems. Electrical
12 and telephone facilities will serve the area. The Homeowner's
13 Association will provide for road maintenance.

14 12. There is adequate access to the property to
15 accommodate traffic flow and safely provide ingress and egress for
16 fire protection and escape from fire.

17 13. The area lies close to Keno and Worden where limited
18 goods, services and employment are available.

19 The approval of Tract 1234 is subject to the following
20 conditions of approval:

21 1. A preliminary title report is to be submitted along
22 with the final plat. (Section 47.005 B Second 2a).

23 2. If a central sanitary sewer system is not to be
24 provided, the developer must provide a copy of a current
25 certificate of approval for each proposed sewage flow prior to
26 final plat approval. (73.002A)

27 3. If a central water supply system is not to be provided,
28

1 the developer must submit a written hydrology report documenting
2 the availability of water and the general history of wells in the
3 area. (73.002) This report must be prepared by a registered
4 engineer and submitted to the Planning Commission for review of
5 the preliminary plat.

6 4. Final plat to indicate the following additions and/or
7 revisions:

8 a. Data necessary to comply with Ordinance 48
9 requirements.

10 b. Utility and drainage easements to be indicated.

11 c. Block number to be indicated.

12 5. Final approval contingent on approval of variance for
13 excessive cul-de-sac length.

14 6. A copy of deed restrictions to be submitted prior to
15 final approval.

16 7. Final approval contingent on approval of CLUP and ZC
17 No. 20-82 by the Planning Commission and Board of County
18 Commissioners.

19 8. Per Section 71.007 F of the Land Development Code,
20 Deer Trail Drive must have a right-of-way of 60 feet with 32-foot
21 wide gravel or cinder roads.

22 9. Applicant must adopt the same deed restrictions as
23 Cedar Trails with the changes recorded on Klamath County Exhibit
24 G. Said changes are listed as follows:

25 #6. No dwelling shall be permitted on any lot unless
26 the area within its foundation, excluding porches and garages,
27 exceeds 1350 square feet. All dwellings will include at least a

28 APPEAL OF TRACT 1234

1 car port.

2 #8. To be omitted entirely.

3 #14. Material and Finishes: Car Ports must be finished
4 with the same complimentary material as the exterior of the home.
5 Aluminum or other reflective roof surfaces shall not be permitted
6 and tar and gravel roof surfaces will be permitted only when
7 aggregate is used in sufficient size and thickness to insure
8 full coverage of base coats. No roll roofing material will be
9 allowed as the exposed area of any roof.

10 #19. Last sentence to be omitted.

11 #20. Everything after first sentence to be omitted.

12 The Board of County Commissioners hereby denies the
13 appeal of Tract 1234 and Variance for Ed Shipsey and upholds the
14 approval of said tract and variance.

15
16 DONE AND DATED THIS 29th DAY OF November, 1982.

17 Floyd L. Wynne
18 Commissioner Floyd Wynne

19 Nell Kuonen
20 Commissioner Nell Kuonen

21 Alvin A. Cheyne
22 Commissioner Alvin Cheyne

23
24 APPROVED AS TO FORM: STATE OF OREGON; COUNTY OF KLAMATH; ss.
25 BOIVIN & BOIVIN

26 BY Robert D. Brown Filed for record
27 this 2 day of Dec. A.D. 1982 at 10:00 o'clock A.M., and
28 duly recorded in Vol. M82 of Deeds on Page 16764

APPEAL OF TRACT 1234 No Fee
Page -6-

COMMISSIONERS JOURNAL

By Evelyn Dehn County Clerk
EVELYN DEHN, County Clerk