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BEFORE THE PLANNING COMMISSION

Vol. M80 Page 17214

KLAMATH COUNTY, OREGON

In the Matter of Request for )  
CLUP & ZC 3-86 for Section 19 ) Klamath County Planning  
property owners (Cascade Estates) ) Findings of Fact and Order  
Represented by Norma Tucker and )  
Doug Adkins )

This Comprehensive Land Use Plan and Zone Change No. 3-86 for Section 19 Property Owners (Cascade Estates) came on for public hearing before the Klamath County Planning Commission on July 29, 1986. The applicant and representative produced testimony, reports, and information concerning the application for Land Use Change from Forestry to Rural and Zone Change from F (Forestry) to R-1 (Rural, 1 acre minimum).

On July 29, 1986, the Planning Commission; after reviewing testimony, reports, committed exceptions, and information of the application; made a motion for approval. The Land Use Plan and Zone, therefore, will be Rural and R-5 on parcel as described for Tract 1247 known as Cascade Estates.

FINDINGS OF FACT:

1. The property in question is generally located approximately 5.5 miles northwest of the junction at State Highway 97 and more particularly described as a Portion of land in Section 19, Township 25, Range 8.
2. The Planning Commission found Section 19 property owners to be the applicant for the Land Use and Zone Change.
3. The Planning Commission moved to approve the Exceptions Document, indicating the site as being committed under OAR 660-04-028. (See attached Exceptions Document.)

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1 4. The parcel is basically flag shaped and consists of  
2 approximately 293 acres.

3 5. Testimony indicated that the parcel for change had  
4 drainage that would run towards existing drains.

5 6. It was pointed out by the applicant and representative  
6 that the proposed use would be compatible with other adjacent  
7 uses and the use would have no adverse impact on the surrounding  
8 area.

9 7. The Planning Commission made its motion to include the  
10 LCDC Goals 1 thru 14 of the Staff Report to add to their findings.

11 8. It was noted that access to property would be able to  
12 carry the kind of traffic that would be generated from the pro-  
13 posed use.

14 9. The Planning Commission made the Committed Exceptions  
15 Document part of their findings. (See attached document.)

16 10. The Planning Commission found per testimony that site  
17 for Change in Land Use was comprised of separate ownerships and  
18 had been partially developed.

19 11. The Planning Commission found that site was located  
20 within a fire district as required by Plan Policies. (Policy 7  
21 of Goal 7)

22 CONCLUSIONS OF LAW:

23 1. The Planning Commission concludes that this change would  
24 permit orderly and beneficial development, while protecting the  
25 character of neighborhoods and communities, and the social and  
26 economical stability of the County.

27 2. The Planning Commission concludes that this change  
28 supports the protection of the County's space and resources while

1 providing for appropriate development.

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2 3. The Planning Commission concludes that this change will  
3 further the goals of and policies of the Klamath County  
4 Comprehensive Plan.

5 Now, therefore, it is hereby ordered that the application  
6 for Section 19 Property Owners (Cascade Estates) is hereby  
7 approved.

8 DONE AND DATED this 27th Day of August, 1986.

9 KLAMATH COUNTY PLANNING COMMISSION

10  
11 John Monfore, Chairman X

12  
13 Ned Livingston, Vice Chairman X

14 Paul R. Zech  
Paul Zech, Member

15 Jon C. Elliott  
Jon Elliott, Member

16 Susan Crismon  
Susan Crismon, Member

17 Fran Gorham  
Fran Gorham, Member

18 Mildred Brooks  
Mildred Brooks, Member

19  
20 Steve Sherman, Member

21  
22 Georgia Dehlinger, Member

23 APPROVED AS TO FORM:

24 Robert L. Boivin  
25 Boivin & Boivin  
26  
27  
28

COMMITTED EXCEPTION DOCUMENT

Introduction

The purpose of this paper is to describe the character of ownership and existing physical development of an area of parcels in Section 19, Township 25 South, Range 8 East, of the Willamette Meridian and to address the criteria of lands physically developed and irrevocably committed to other uses. A committed exception is requested in keeping with activities and uses that have been long established on these lands.

General Description

The exception site lies on both sides of State Highway 58 approximately 1/2 mile northwest of the Halfway House Restaurant and is some 11 miles southeast of Crescent Lake Junction. The site contains 50 individually owned parcels on 293 acres.

Justification for Committed Exception

A. Existing Adjacent Uses

With the exception of the Halfway House Restaurant, adjacent land is used for home sites, recreation and forestry operations by private timber companies and the federal government. Recreational uses such as hunting, fishing, cross country skiing, snowmobiling, and backpacking occur throughout the calendar year.

B. Public Facilities and Services

Electric power and telephone lines have been installed to service the parcels South of Highway 58. The 1-1/4 miles of power line would cost \$33,000 at today's prices to construct.

Approximately three miles of two-lane dirt road have been built to access the various parcels. The estimated cost to replace the road system would be approximately \$6,400. Both the volume and capacity of these dead-end roads are light, with adequate capacity to service the parcels.

The area is included in the Chemult Rural Fire District. A sub-station with a fire truck is stationed at the Two Rivers North subdivision which is 2 miles South of the exception site.

C. Parcel Size and Ownership Patterns of the Exception Area and Adjacent Lands

Development of this group of parcels began in 1971 with surveys that began laying out 5 acre lots. Sales to individual buyers began in 1972. These parcels, ranging from 1.9 acres to 16.6 acres, now form a contiguous block of some 50 ownerships.

The lands surrounding these parcels are controlled by individuals, by the federal government, and private timber companies. See attached Adjacent Ownership Pattern Map.

#### D. Neighborhood and Regional Characteristics

The exception site has the characteristics of a rural subdivision with roads, utilities, and houses with individual wells and septic systems. There are 14 houses, cabins, and trailers on the exception site. Adjacent lots, not in the subdivision plan, contain three more dwellings. These buildings include both mobile homes, some with covering sheds, and wood frame buildings. Estimated total cost of improvements by 1986 tax appraisal is about \$60,000. See attached preliminary plat.

The exception site has been logged and the vegetative cover consists of clumps of Lodgepole reproduction under very scattered residual Lodgepole trees. Comparing this site with nearby cut-over forest service lands, it is estimated that the site contains roughly 2,000 board feet of commercial Lodgepole timber per acre. Forest Service stumpage values for Lodgepole in this area range between \$10 and \$17 per thousand board feet. Using the low figure for these poor quality residual trees, the average timber value on this site is \$20 per acre. This value is probably optimistically high when considering the long log haul to either Bend or Klamath Falls to reach a sawmill capable of utilizing small Lodgepole logs.

The young Lodgepole reproduction on the site is poorly stocked due to residential and recreational use of the area.

Roads within the exception area are located on existing easements and maintained by the property owners served.

Regional characteristics include destination recreation facilities, such as Willamette Pass Ski Resort, Crescent Lake and various other small lakes and streams for fishing. There are several rural subdivisions in the region including:

1. Leisure Woods
2. Crescent Pines
3. Cres-Del Acres
4. Brewers Ranchos
5. Two Rivers North
6. Tall Pine Estates
7. Pinney's Acres
8. Riddle Acres
9. River West
10. Roberts River Acres

Timber is harvested from the region from both public and private properties.

The region is gently rolling to mountainous and lies easterly of the crest of the Cascade Mountains.

**E. Natural Boundaries or Buffers Separating the Exception Area from Designated Resource Lands**

There are no natural boundaries. Ownership boundaries that have been monumented by survey, and existing roads will act as buffers in some areas. The site itself, straddling Highway 58, acts as a buffer for highway traffic by screening from view any timber harvesting activity on adjacent lands.

**F. Physical Development**

Physical developments and improvements made within the exception site for the existing residential use are:

1. Roads throughout the site to provide access to the parcels
2. Electric power and telephone lines into the site to service the parcels
3. Residential buildings on some parcels with individual wells and septic systems
4. The parcels have been surveyed and monumented
5. Easements for roads and utilities are in place throughout the site
6. A preliminary subdivision application and plat has been prepared and submitted

**Conclusion**

This exception site is irrevocably committed to residential use due to the following:

1. Considerable investments in physical development and improvements for non-forestry use have been made, including:
  - A. Roads and utilities developed for the parcels
  - B. Residential dwellings, wells, and septic systems in place
  - C. Lots have been surveyed and a preliminary subdivision plat has been submitted
  - D. The owners have purchased the parcels with the purpose of residential and recreational uses in mind
  - E. Inclusion of this area within the Chemult Fire Protection District, and establishment of a fire sub-station 2 miles South at the Two Rivers North subdivision

2. The small size and separate ownerships of these parcels prevent their use as a forestry resource because:
- A. The 5 acre average parcel size is not large enough for commercial forestry to be economically feasible
  - B. The multiplicity of ownership will produce conflicting forest practices within the exception area
  - C. Existing development (i.e. houses, buildings, power lines, roads) in the area will preclude forestry activities within the site.

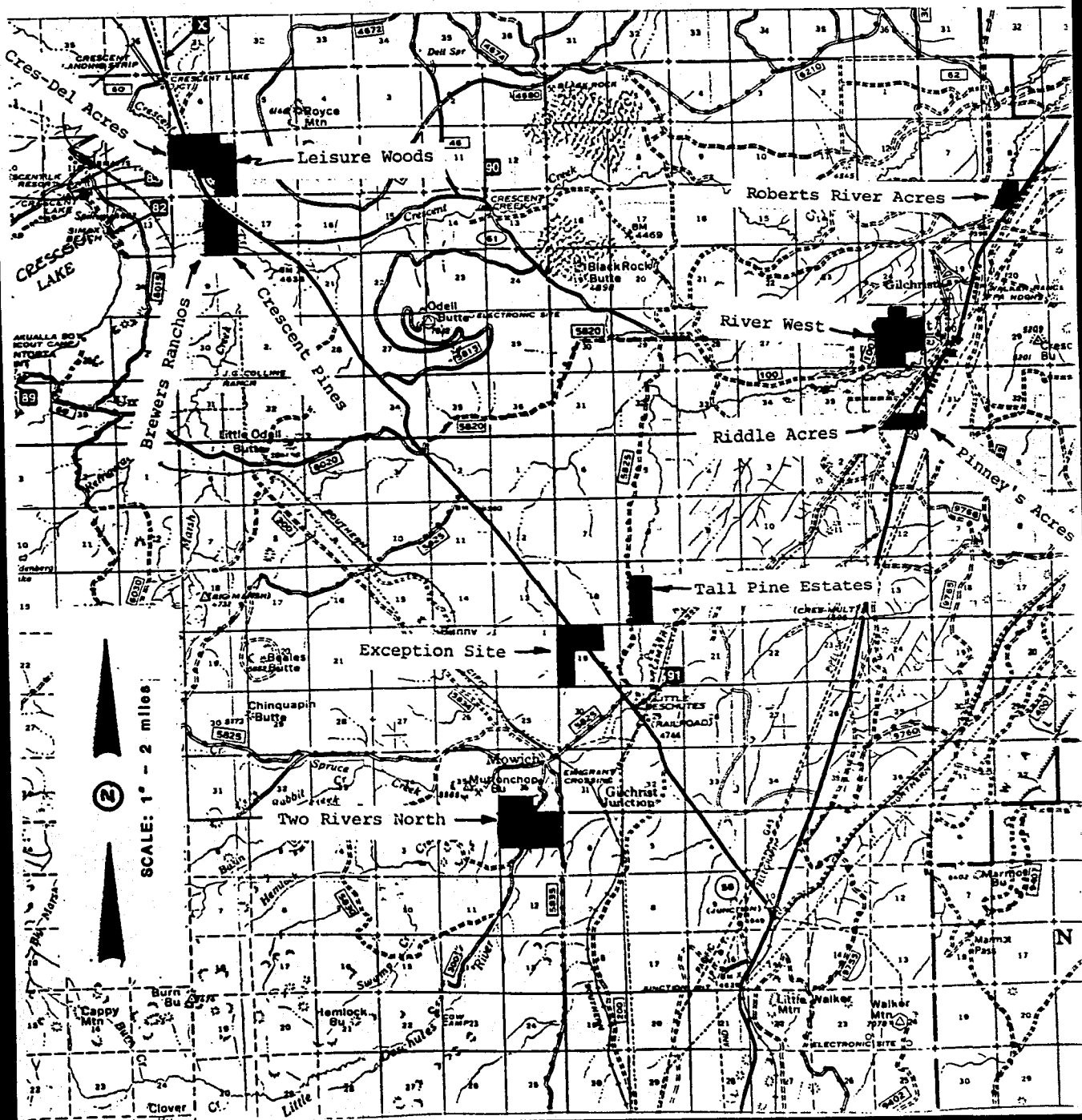
The exception site is comprised of separate ownerships, and has been partially developed. Any negative impact of this site on adjacent forest practices was established years ago. Indeed, the development of access roads, electric power service, homes and buildings, septic and water systems, a fire district sub-station with a fire truck on site at the Two Rivers North subdivision just 2 miles South, all show that the site is irrevocably committed to non-forestry uses.

# CASCADES ESTATES

## REGIONAL LOCATION MAP

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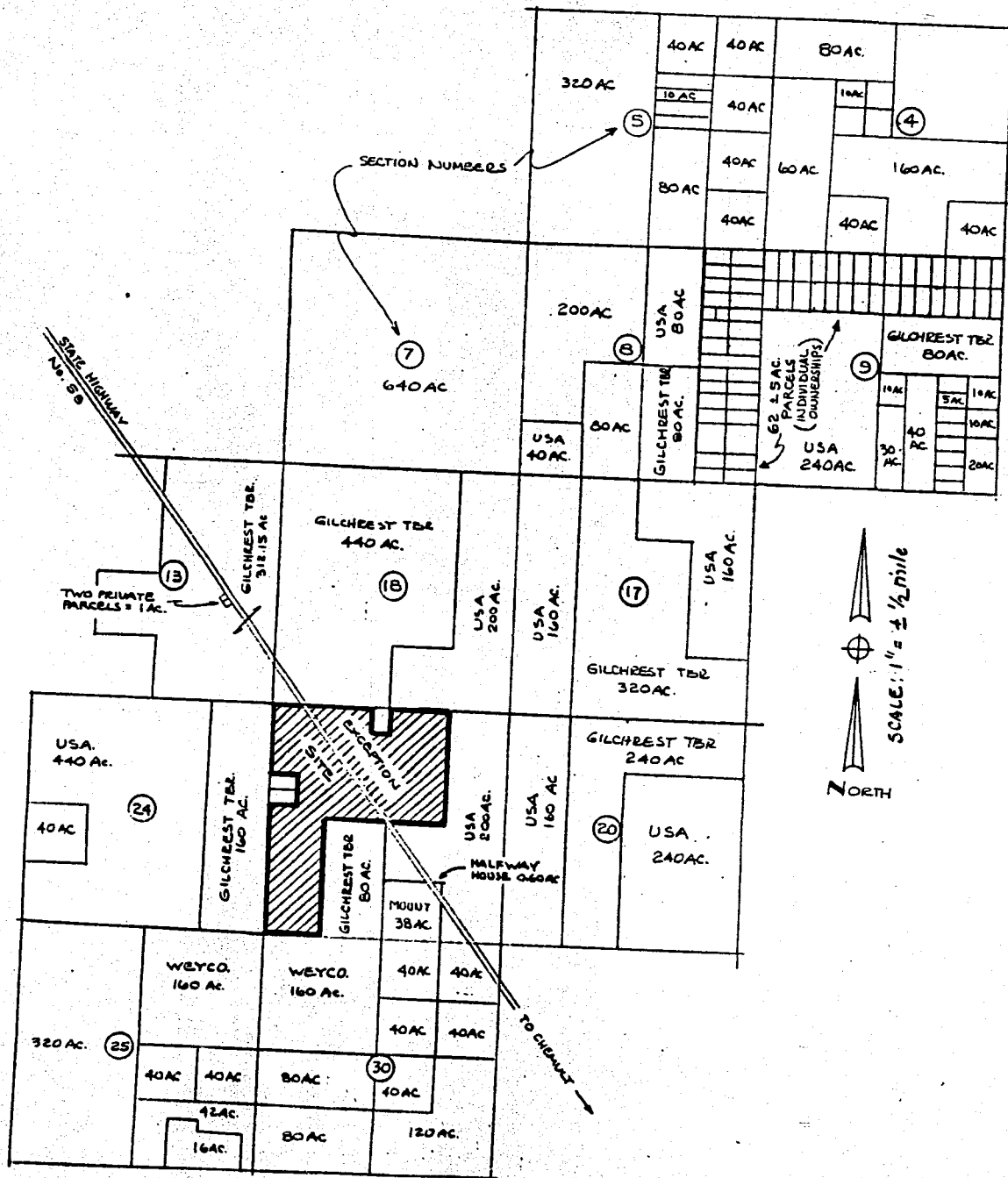
**SHOWING EXISTING SUBDIVISIONS**





# CASCADES ESTATES COMMITTED EXCEPTION ADJACENT OWNERSHIP PATTERNS

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 23rd day  
of September A.D. 19 86 at 3:04 o'clock P M., and duly recorded in Vol. \_\_\_\_\_ M86  
of \_\_\_\_\_ Deeds on Page 17214.

FEE

NONE

Return: Commissioners' Journal

By Evelyn Biehn, County Clerk

*[Signature]*