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BEFORE THE
KLAMATH COUNTY PLANNING COMMISSION
KLAMATH COUNTY, OREGON

IN THE MATTER OF REQUEST FOR
REPLAT OF FIRST ADDITION TO
SHIELD CREST)
)
)

ORDER

I. NATURE OF APPLICATION

A hearing was held on this matter on April 26, 1988, being a regular meeting before the Klamath County Planning Commission. This request is to replat an existing Planned Unit Development/Subdivision, specifically First Addition to Shield Crest. Article 46, specifically, Section 46.003 of the Land Development Code is the controlling authority.

II. NAMES OF THOSE INVOLVED

The applicants, Mr. and Mrs. Robert Cheyne, were present at the hearing, as well as their representatives, Mr. Roy Huberd and Mr. Dan Meader. The Planning Department staff was present, with staff report being read into the record by Carl Shuck. Deputy County Council, Dave Mannix, was present.

III. EXHIBITS

- EXHIBIT A - Staff Report
- EXHIBIT B - Plat Map
- EXHIBIT C - Code Requirement
- EXHIBIT D - Comment from Health Services Department
- EXHIBIT E - Letter from Dan Meader, 4/18/88
- EXHIBIT F - Findings Document Submitted by Applicants

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IV. LEGAL DESCRIPTION

The property is located in the Northwest one-quarter, Section 8, Township 39 South, Range 10 East. The site is located north of the intersection of State Highway 140 and Shield Crest Drive.

V. RELEVANT FACTS

The property contains approximately 120 acres which is currently zoned R-1 with a PUD overlay. The existing plat is currently approved allowing development of 34 residential lots, ranging in size from one acre to ten acres. The proposal is to replat the area, lessening the overall density of the previously approved plat from 34 lots to 30, and adding a nine-hole golf course. All are permitted uses under the terms of the Klamath County Zoning Ordinance.

VI. SERVICES AND FACILITIES

- A. ACCESS - Off State Highway No. 140.
- B. SEWER - Subsurface sewage disposal is contemplated.
- C. WATER - Individual wells are proposed.
- D. FIRE DISTRICT - Klamath County Fire District No. 1.
- E. UTILITY DISTRICTS - Pacific Power and Light and Pacific Northwest Bell

VII. RELEVANT APPROVAL CRITERIA

Refer to Klamath County Planning Department staff report, Exhibit A, making reference to review criteria for a replat. Section 46.003 (A-F) of the Klamath County Land Development Code.

VIII. FINDINGS

Klamath County Planning Commission finds the evidence submitted and testimony offered by the applicants did demonstrate the proper criteria for approval as set in Section 46.003 (A-F) of the Land Development Code.

IX. CONDITIONS

The following code requirements and other requirements for final approval of Tract 1257 for Robert and Helen Cheyne.

1. Preliminary title report is to be submitted along with the final plat.
2. Final plat ¹⁰~~18~~ meet final plat requirements per Section 46.005 (B).
3. Lots will have to be vacated before laying out new lots and streets.
4. Lots 14 and 15 need block number and new lots numbers. The same is true for Lots 1 and 2, south of the irrigation canal.
5. Canal easement is to remain on map.

X. CONCLUSIONS

This application is satisfied and addresses the review criteria of Section 46.003 (A-F) of the Land Development Code.

XI. ORDER

Therefore, the County Planning Commission accepts the recommendation of the County Planning staff for the vacation of certain lots in the First Addition to Shield Crest, specifically Block 4, Lots 9 through 16, and Block 5.

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Lots 8 through 18, and the replat of the First Addition to Shield Crest as submitted.

DATED this 26th day of May, 1988.

CHAIRMAN OF THE PLANNING COMMISSION

Susan H. Crismon

SECRETARY TO THE PLANNING COMMISSION

Carl Shuck

APPROVED AS TO FORM AND CONTENT:

Dundmann
Legal Counsel

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FINDINGS DOCUMENT
REPLAT OF FIRST ADDITION
TO
SHIELD CREST
WITH
NINE HOLE GOLF COURSE

April, 1988

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FOREWORD

This document is prepared to provide the Klamath County Planning Commission and staff with relevant information regarding the specific proposal, together with the pertinent Klamath County Planning requirements under one cover. If it is desirable, this document may be adopted by the Commission as Findings for their decision on the proposal.

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- I. PROPOSAL
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- V. CONDITIONAL USE PERMIT SECTION 44.003 - REVIEW CRITERIA
- VI. REPLAT OF TRACT 1245, NOW KNOWN AS TRACT 1257
- VII. REQUESTED ACTION BY THE PLANNING COMMISSION

I. PROPOSAL

This proposal involves three separate yet interrelated land use actions. Very briefly, the applicants/owners, Mr. and Mrs. Robert E. Cheyne, are seeking to replat a development they own southeast of Klamath Falls, to include the development and construction of a nine hole golf course. The present plat contains approximately 120 acres and is divided into 34 lots varying in size from one to ten acres. The proposed replat will reduce the number of approved lots to 30 at an average lot size of one acre and add a nine hole golf course to the development. The addition of the golf course will aid in the marketing of the original Shield Crest Development.

II. LAND USE ACTIONS

There are three separate land use actions which must be approved:

1. The golf course is an allowable Conditional Use as a Planned United Development. This must be approved by the Planning Commission.
2. A portion of the First Addition to Shield Crest plat must be vacated.
3. The replat must be approved.

III. LIST OF INDIVIDUALS ON THE DESIGN TEAM

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Property Owners

Helen and Robert Cheyne
982 Greenbriar Drive
Klamath Falls, Oregon 97603

Project Coordinator

Roy R. Huberd, Planning Consultant
1983 Hayes Street
North Bend, Oregon 97459

Project Manager

Daniel R. Meader, Planning Consultant
Tenneson Engineering Corporation
409 Lincoln Street
The Dalles, Oregon 97058

Golf Course Architect

Michael Whitmore, Landscape Architect
Whitmore and Associated
2819 N.E. Irving Street
Portland, Oregon 97232

Engineer/Surveyor

Dave Adkins, P.E.
Adkins Consulting Engineers
1453 Esplanade
Klamath Falls, Oregon 97601

IV. REQUIREMENTS OF KLAMATH COUNTY

The specific planning requirements of Klamath County are contained within Article 52 of the Klamath County Zoning Ordinance and the Klamath County Subdivision Ordinance. Because of the amount of material involved, these are not reprinted here, but are readily available at the County Planning Department. The proposal must meet three separate but interrelated County Planning requirements.

1. Approval of a Conditional Use for the nine hole golf course through a revised Planned Unit Development.
2. Approval of vacation of a portion of the Plat of the First Addition to Shield Crest, specifically Block 4, Lots 9 through 16, and Block 5, Lots 8 through 18.
3. Approval of the replat of the First Addition to Shield Crest.

V. PLANNED UNIT DEVELOPMENT, CONCEPT AND DEVELOPMENT PLAN

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A. APPLICANT

Mr. and Mrs. Robert Cheyne
982 Greenbriar Drive
Klamath Falls, OR 97063

B. LEGAL DESCRIPTION

The subject property is situated in the West one-half of Section 8, Township 39 South, Range 10 East, Willamette Meridian, in Klamath County, Oregon.

C. REQUEST OF PLANNING COMMISSION

The request of the Planning Commission is to approve:

1. A redesign of the Planned Unit Development known as Shield Crest, including the Concept and Development plans and approval of the Conditional Use Permit.
2. A vacation of a portion of Tract 1245, the First Addition to Shield Crest.
3. Approval of Tract 1257, a replat of the First Addition to Shield Crest.

D. PUD SUBMITTAL REQUIREMENTS, CONCEPT PLAN AND DEVELOPMENT PLAN STATEMENT OF INTENT DATED APRIL 12, 1988

The following information is submitted to meet the requirements as promulgated by Article 52 of the Klamath County Zoning Ordinance. It provides for Planned Unit Development Overlay Zone. The property is currently zoned R-1, with a Planned Unit Development overlay. At the present time there are 34 residential lots approved for

development. The proposed replatting and change of use is to allow the development of a nine hole golf course within the boundaries of the property and relocate approximately one-half of the existing approved lots into different locations. The overall density of the tract will be reduced from 34 residential lots to 30. The golf course is a permitted use within the PUD overlay zone for the R-1 property.

The lots are all one acre or larger and the utilities and main access road are already available on the property.

CONCEPT PLAN

The property is located approximately six miles southeast of Klamath Falls on Highway #140, the Klamath Falls/Lakeview Highway. The property contains approximately 120 acres and is platted as the First Addition to Shield Crest. The original Shield Crest Subdivision was an earlier subdivision platting of approximately 47 lots. All improvements, streets and underground utilities are completed in the original Shield Crest plat. The First Addition was platted in 1985 and utilities and road access are available on the tract.

The properties to the west are planned and zoned Residential. The property immediately to the east is Exclusive Farm Use. The property immediately east of this parcel is planned and zoned

Residential. The property across Highway #140 to the South is Agricultural.

The basic concept of this project is to provide a nine hole golf course within the immediate area of the residential development. The obvious intent is to provide additional incentive for marketing of the original plat of Shield Crest. The applicants believe the addition of the golf course will provide sufficient incentive to prospective buyers now that the Oregon economy has begun to improve.

The prior approval provided for a total of 34 lots within the 120 acres, ranging in size from one acre to as large as ten acres. The proposed layout will reduce the number of residential lots from 34 to 30, but all the lots will average one acre in size. This meets the requirements of the R-1 zone.

The golf course will be open to the public and owned and operated by the applicants.

All services needed by the development are currently available on the property. No additional public services or facilities are anticipated. There will be land alteration -- alteration of the landscape, with the building of tees and greens for completion of the golf course as per the layout plan.

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Development of the golf course is in accord with the acknowledged Klamath County Comprehensive Plan. A site plan and a development layout have been submitted to the Planning Department.

DEVELOPMENT PLAN STATEMENT OF INTENT

1. The applicant will begin construction of the golf course immediately after the necessary approvals are received from Klamath County. The development of the residential street and the street to the clubhouse/pro shop location will be completed within one year of the approval. The clubhouse/pro shop is anticipated to be a very small operation. The parking lot will accommodate approximately 36 cars. A small pro shop, containing golf course manager, will stock a modest amount of golf equipment. Also, there will be available in the building a small snack bar offering sandwiches and drinks to the golfers after a round. This would be open during daylight hours only and would normally only be available to persons using the course. The golf cart storage and golf maintenance buildings also will be adjacent to the clubhouse location to concentrate all the mechanical golf course operations in one area. The golf course will be open to the public.

As in the prior approved plat, individual wells will be drilled and septic tanks and drainfields and, where required, sand filters will be provided for subsurface sewage disposal. The prior approval indicated sufficient capacities for wells and subsurface sewage

disposal on the property. All other utilities -- telephone, power, 7661
and cable -- are already available on the property.

Residential lots being relocated are designed to provide the lots with the best possible views of golfing action as it occurs on the course. This attribute is a desirable feature in many similar types of developments. There are no known significant natural resources on the site and the project is not anticipated to provide any conflict with major public development. No major public facilities will be required to service this development.

2. Support Graphics. Supporting graphics in the form of the preliminary plat of the proposed golf course layout plan have been submitted to the Department. This indicates the location of the clubhouse, the golf course routing plan, and the location of the replatted lots.

3. Description of Surrounding Area. The property lying directly to the West is R-5, the property to the East is EFU/C. The next property immediately East of that property is planned and zoned residential. EFU/C zoning is placed on the property directly to the South. And, finally, the property to the North, containing the original plat, is R-1. Properties surrounding the development have been developing in a residential nature over the past several years, with the exception of the property on the South. The property immediately North of the proposed replat is, of course, the original plat of Shield Crest in which 47 residential lots have been created.

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4. Background Report As indicated, this is a replat of an existing 120 acre development in which 34 residential lots were approved, varying in size from one acre to approximately ten acres. The applicants intend to begin construction of the golf course immediately once the necessary approvals are obtained.

Approximately 90 acres will be involved in the development of the golf course, with approximately 30 lots developed for residential use. The 15 uppermost lots of the development will not be changed and are immediately ready for development now. The remaining lots will be available for development within one year of the preliminary plat approval. A short cul-de-sac street needs to be added to the development, as well as the clubhouse road access. The right-of-way will be 60 feet wide with a 24 foot improved street, as Shield Crest Drive, the primary access road, already is.

It is anticipated all the dwellings will be single-family type and only 30 will be developed in this replat. The total population estimate for the entire development, based on Klamath County household size of 2.3 persons, is 69 with 30 residential sites developed. The average residential density per gross acre is $(120/69) 1.74$ persons per acre, and the net residential acre by phase is not applicable.

The non-residential uses in the development, of course, are development of the golf course which takes up approximately 90 acres including the primary access road and clubhouse location.

The applicants have researched the demand for a new golf course⁷⁶⁶³ considerably. They have toured and inspected golf courses in Oregon, California and Idaho. Many of the characteristics found in the most desirable courses are incorporated in the design of this nine-hole layout. The applicants note other areas of Oregon are experiencing significant development which is recreationally oriented, including the construction of many new golf courses. Indeed, within the next 24 months, the Bend area will have a new 27 hole layout, a new 18 hole layout and a new 9 hole layout available for the public to use where, for years, Bend Country Club was the only golf course available and it, of course, was a private club. The applicants believe the establishment of a golf course on their land will greatly enhance the marketability of the existing Shield Crest Subdivision. In addition, the applicants believe there is sufficient market demand for additional golfing alternatives to support an additional public course in the Klamath Falls area.

All improvements will be to Klamath County standards. The existing access road, Shield Crest Drive, is a 60' right-of-way improved to 24' width as will be the residential cul-de-sac when constructed. The clubhouse road is shown with less right-of-way. However, should 60 feet be required, this is acceptable to the applicants.

E. SHIELD CREST REVISED PLANNED UNIT DEVELOPMENT WITH NINE HOLE GOLF COURSE (GRAPHICS)

See Shield Crest Revised Planned Unit Development with Nine Hole Golf Course Graphic.

F. RELEVANT COMPREHENSIVE PLAN POLICIES

The following Comprehensive Plan policies are directly or indirectly supportive of the applicants' request:

Goal 2 - LAND USE PLANNING

9. Policy: Klamath County is expected to experience population increases as arrived at based on Cohort Survival Population Projections. The County shall provide support for this population increase by providing sufficient land, community facilities and other community resources.

Goal 5 - OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

20. Policy: The County will plan for and encourage public recreation and open space lands in urban expansion areas (re: during re-evaluation of the Urban Growth Boundaries).

Rationale.

- *to preserve open space areas
- *to enhance the value to the public of abutting or neighborhood parks (furtheres Goal #8)
- *to promote orderly urban development (furtheres Goal 14)
- *to enhance tourism and make the County an attractive place to live.
- *to conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the

value of abutting or neighboring property (furthers ⁷⁶⁶⁵
Goal 6)

*to conserve and enhance natural and scenic resources

Implementation.

*The County will study the feasibility of alternative financing techniques for the purchase of those lands designated by the land use plan as parks, recreation sites, or unbuildable land, but at no time shall private land be taken or devalued without full compensation.

Goal 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

7. Policy: All subdivisions shall be located within a fire protection district or fire protection association or rural fire protection district before receiving final plan approval.

Rationale.

*to provide adequate fire protection in rural subdivisions
given the fact that it is the practice in Klamath County for rural fire districts to provide fire protection on a fee-for-service basis.

Implementation.

*Review procedures shall be established to ensure that

subdivisions are located within a fire protection district or fire protection association or rural fire protection district or that a fire district has been created for the subdivision before receiving final plan approval.

Goal 8 - RECREATION NEEDS

1. Policy: When planning for lands and resources capable of accommodating multiple uses, the County shall encourage the provision of appropriate recreation opportunities.

Rationale.

*to provide recreation opportunities when consistent with existing resources

Implementation.

*The County will identify and study areas of multiple use that provide potential recreational opportunities.

3. Policy: The County may encourage the acquisition in fee, or through assessments, of rights in land and water that will permit the protection, development, and management of public recreation use areas of adequate quality and carrying capacity conveniently located near urbanized areas.

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Rationale.

- *to promote accessibility to and availability of recreation activities to people of all age groups
- *to conserve energy associated with transportation by locating recreation facilities near existing urbanized areas (furthers Goal 13)

Implementation.

- *The County shall support efforts to acquire potential public recreation areas outside the Klamath Falls Urban Area.

4. Policy: The County shall assist private investors seeking to establish new commercial recreation enterprises.

Rationale.

- *to provide for the recreational needs of the citizens
- *to diversify and strengthen the County and State economy (furthers Goal 9)

Implementation.

- *The County shall assist private investors in the search for suitable sites.
- *The County shall coordinate road connections.
- *The developer shall provide buffer areas and similar construction measures when appropriate.

Goal 9 - COUNTY ECONOMY

10. Policy: The County shall support efforts to develop tourist and economic development promotional programs.

Rationale.

*to provide information to interested individuals outside the community concerning recreation, commercial, and industrial opportunities within the County

Implementation.

*The County shall provide technical information and support aggressive County economic development and tourist promotional programs.

11. Policy: The County shall encourage (in appropriate locations and in accordance with the Plan) the development of resort and summer homes, and other needed accommodations, attractions, activities, and facilities that will encourage tourists to make Klamath County a destination point rather than a pass-through point.

Rationale.

*to retain a larger percentage of tourist dollars in local County communities

*to promote both part-time and full-time job opportunities

Implementation.

*The County shall coordinate County and local land use plans to accomplish this task.

Goal 10 - HOUSING

1. Policy: Residential property shall be zoned to allow the full range of housing types and densities of the Comprehensive Plan.

Rationale.

*to encourage that the full complement of all housing types contemplated by the Plan are constructed

Implementation.

*When land is rezoned to conform to the Land Use Plan, the zoning shall be no more intensive than that on the Comprehensive Plan Map.

2. Policy: The County shall permit development of rural land for rural residential use on suitable lot sizes.

Rationale.

*to provide for the housing needs of citizens of the County

Implementation.

*Development will be permitted in accordance with the

12. Policy: The County will encourage the use of planned unit developments (PUDs) and other forms of clustered housing that introduce innovative and cost-effective approaches to siting, block layout, design, and landscaping.

Rationale.

- *to cluster housing and protect areas with open space or wildlife habitat values that have County or areawide significance (furtheres Goals 5 and 6)
- *to reduce public housing costs and increase development densities
- *to reduce public services and facilities costs
- *to encourage compatibility with surrounding land uses

Implementation.

- *The County Land Development Code shall provide for PUDs.

Goal 11 - PUBLIC FACILITIES AND SERVICES

13. Policy: New subdivisions will not be approved in rural communities or any other rural area unless there are provisions for the coordinated development of water, sewage and fire protection services appropriate to that area and at levels capable of adequately serving the new development.

Rationale.

- *to prevent development from occurring without necessary public facilities and services appropriate to that area
- *to prevent new development from overburdening existing facilities and services or overtaxing local taxpayers

Implementation.

- *Review procedures shall be established for development proposals so that appropriate public facilities and services will be included before the development is approved.

16. Policy: The County shall establish appropriate densities and corresponding levels of services for rural lands.

Rationale.

- *The level of service provided for unincorporated communities, rural residential, and rural resource lands must be evaluated to assure lifestyles and characteristics of those areas are maintained in accordance with Statewide Planning Goal 11 (Public Facilities).

FINDINGS

1. The proposal is supported by existing policies and rationale of the Klamath County Comprehensive Plan.

2. The request for a redesign of the Planned Unit Development known as First Addition to Shield Crest, as presented at tonight's hearing meets all the criteria of the Klamath County Land Development Code, specifically Section 52.001 A. Purpose. In that the proposed redesign meets three of the four objectives as outlined in this section of the Ordinance, specifically, objectives 1, 2 and 4 are all directly supportive of the proposed redesign and replat.
3. The proposal is a Permitted Use as defined by the Ordinance.
4. The proposed lot size, one acre, meets the minimum Ordinance requirement of 52.001 (c)(1).
5. Ordinance requirements, Sub F Concept Plan Content and Sub G Concept Plan Approval Criteria 1 through 10 have all been met.
6. Ordinance Requirements, Sub H Development Plan Content 1 through 4 and Sub I Site Design and Development Standards 1 through 3 and Sub J Development Plan Approval Criteria 1 and 2 have all been met.
7. Ordinance requirements Sub K Amendments of the Concept Plan or Development Plan has been satisfied in that a Conditional Use hearing has been held to amend the PUD as per ART 26 - Planning Commission Review Procedure Section 26.001 - Application.

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8. The applicant did not request a change of zone within the request to redesign the PUD, which is consistent with Section 26.002 Application.

CONCLUSION

The proposed redesign and replat of the First Addition to Shield Crest to include a nine hole golf course is in accord with the County's Comprehensive Plan and meets the Ordinance requirements for a Planned Unit Development.

V. CONDITIONAL USE PERMIT SECTION 44.003 - REVIEW CRITERIA

A. THAT THE USE IS PERMITTED

FINDING

The Golf Course is conditionally permitted in the zone in which it is proposed to be located.

Article 52 - Special Purpose Zones, Section 52.001(B) specifically states: "Any use types which are either permitted or conditionally permitted, as provided by Chapter 5 may be permitted within said Planned Unit Development."

B. THAT THE LOCATION, SIZE, AND DESIGN ARE IN CONFORMANCE WITH THE COMPREHENSIVE PLAN

That the location, size, design, and operating characteristics of the proposed use are in conformance with the Klamath County Comprehensive Plan.

FINDING

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This Findings Document, under Section IV, Planned Unit Development, Concept and Development Plan, clearly and specifically outlines and explains issues such as location, size, design, and operating characteristics of the PUD. When weighing this information against the Comprehensive Plan policies as outlined in Sub 7, it is clear that the new or redesign complies with the Comprehensive Plan.

C. STATEMENT OF COMPATIBILITY WITH THE SURROUNDING NEIGHBORHOOD

That the location, size, design and operating characteristics of the proposed development will be compatible with and will not have significant adverse effects on the appropriate development and use of abutting properties and the surrounding neighborhood. Consideration shall be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effects, if any, upon desirable neighborhood characteristics and livability; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

FINDING

Few developments in our society can claim the high degree of compatibility, desirability, and aesthetically pleasing impact of a well designed, professionally constructed and maintained golf course. From a standpoint of abutting residential or farm uses, the

course will offer a pleasing view, especially with the contrast of ⁷⁶⁷⁵ the deep blue-green of the fairways' vegetation and the greens against the desert browns of Klamath County.

The limited number of residential structures, 30 in all, placed in a tasteful manner throughout the course will also be very compatible with existing abutting residences. Traffic will be managed to flow without congestion. The Club House parking lot will absorb most of the traffic, while some users will park at their homes. Irrigation and course maintenance will be on-going but will not have any adverse effects on the adjoining residential or farm uses. The overall harmony that should result from the construction of this course should enhance the property values of all those in close proximity.

CONCLUSION

That the request for a Conditional Use permit to allow a redesign of the Planning Unit Development Shield Crest as presented at tonight's hearing meets all the criteria of Section 44.003 A, B, and C as outlined, discussed, and stated in the applicants' Findings Document.

VI. REPLAT OF TRACT 1245, NOW KNOWN AS TRACT 1257

A. ORS 92.180 REPLATTING

"Authority to review replats. (1) Each agency or body authorized to approve subdivision plats under ORS 92.040 shall

have the same review and approval authority over any proposed replat of a recorded plat. 7676

"(2) Nothing in this section regarding replatting shall be construed to allow subdividing of land without complying with all the applicable provisions of this chapter.

"92.185 Reconfiguration of lots and public easements; vacation; notice; utility easements. The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. Upon approval by the reviewing agency or body as defined in ORS 92.180, replats will act to vacate the platted lots and easements within the replat area with the following conditions:

"(1) A replat, as defined in ORS 92.010 (10) shall apply only to a recorded plat.

"(2) Notice shall be provided as described in ORS 92.225 (4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

"(3) Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners of property adjacent to the exterior boundaries of the tentative subdivision replat.

7676A

"(4) When a utility easement is proposed to be realigned, reduced in width or omitted by a tentative replat approval, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the tentative plat.

"(5) A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter."

FINDING

Tract 1245 is a recorded plat (1), notice was given (2), no realignment of utility easements is proposed (4), and finally, the replat complies with all subdivision provisions of the Land Development Code.

B. LAND DEVELOPMENT CODE ARTICLE 46. SUBDIVISION OF LAND 46.003

REVIEW CRITERIA

"The preliminary plat of a proposed subdivision may be approved only if the reviewing authority finds that it satisfies the following criteria:

"A. The preliminary plat of the proposed subdivision is in conformance with the Klamath County Comprehensive Plan."

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FINDING

Findings Document Section IV addresses the relevant plan policies.

"B. The preliminary plat of the proposed subdivision is in conformance with all applicable provisions of this Code, other county codes and ordinances and State law."

FINDING

The entire Findings Document, including the preliminary plat tract 1257 titled Replat of First Addition to Shield Crest is submitted to satisfy this requirement.

"C. The future street plan for the proposed subdivision will permit its development in accordance with this Code."

FINDING

The future street plan will include a 60 foot right-of-way approximately 900 feet long, ending in a cul-de-sac with a radius of 50 feet. A short street to provide access to the pro shop/clubhouse also will be provided.

"D. The future street plan for the proposed subdivision will permit the development of adjoining land or is provided access that will allow its development in accordance with this Code."

FINDING

The proposed cul-de-sac allows frontage to 11 lots, ranging from 45 feet on Lot 8 to 290 feet on Lot 3. The Shield Crest development already has through access roads to allow development of adjoining lands.

"E. The site of the proposed subdivision is physically suitable for the type and density of the proposed development."

FINDING

The PUD Concept and Development Plan narrative supports the physical suitability issues of the proposed golf course and residential development.

The density of the present tract shows 34 residential lots. The redesign includes only 30 - a decrease of residential density. The nine hole golf course is also redesigned into the replat.

The proposal requests Block 4, Lots 9 through 16, and Block 5, Lots 8 through 18 of the First addition to Shield Crest Tract 1245 be vacated, concurrently with the replat of this subdivision, Tract 1257

F. The existing sewer and water facilities and existing fire protection services are adequate to serve the proposed development."

FINDING

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The sewer disposal systems will be subsurface sewage systems. Adequate land exists to accommodate both a proposed clubhouse system as well as a back-up area. The exact capacity of the system will depend upon the design of the Club House.

The residential lots are all one acre or larger in size and will be tested for their capacity before final plat submittal. The prior plat lots were all approved, although some lots did require the use of sand filters.

The utilities, telephone, power, TV cable and main access road are existing and there is no requirement to move them.

Water facilities or systems will be by individual wells to each residence.

Well capacity of 1,150 gallons per minute now exists on the property to serve the nine hole golf course. This is more than adequate to serve the needs of the golf course.

The Klamath County Rural Fire Protection District No. 1 serves this area. The proposed PUD does not include fire fighting facilities.

FINDING

The proposed replat of the First Addition to Shield Crest meets all applicable requirements of the Subdivision Ordinance.

CONCLUSION

That the request for a vacation of tract 1245 and a replatting of 1257 meets ORS 92.180 Sub A through F and that both the vacation and platting of tract 1257 meets the Klamath County Land Development Code Sections 46.003 Sub A through F.

V. REQUESTED ACTION OF THE PLANNING COMMISSION

To adopt the Findings Document with modifications, if necessary, all exhibits presented, the Findings of Fact and Conclusions, then a vote approving the PUD Concept and Development Plan, the Conditional Use Permit, and the vacation of Plat 1245 with approval of Plat 1257.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Planning Dept. the 17th day of May A.D., 19 88 at 9:18 o'clock A M., and duly recorded in Vol. M88, of Deeds on Page 7648.

FEE None

Evelyn Biehn
By Bernetha A. Hitch County Clerk

Commissioners Journal