

BEFORE THE PLANNING COMMISSION  
KLAMATH COUNTY, OREGON

1 IN THE MATTER OF REQUEST FOR )  
2 CONDITIONAL USE PERMIT 35-88 FOR )  
3 A NON-FARM USE, GOLF COURSE, FOR )  
4 SHIELD CREST, INC. )

ORDER

5 I. NATURE OF APPLICATION

6 Hearings on this application were held October 25, 1988, and  
7 December 19, 1988, pursuant to notice given in conformity with  
8 Ordinances 44 and 45.

9 The hearing was held before the Klamath County Planning  
10 Commission. The request for a non-farm use, golf course, in an  
11 Exclusive Farm Use zone was considered pursuant to Section 51.017D  
12 of the Land Development Code.

13 II. NAMES OF THOSE INVOLVED

14 The applicants, Robert and Helen Cheyne, were present and  
15 represented by Doug Adkins, Adkins Consulting Engineers. The  
16 Planning Department was represented by Kim Lundahl, Senior Planner.  
17 The recording secretary was Karen Burg. Deputy County Counsel,  
18 David Mannix, was in attendance. Members of the Planning Commis-  
19 sion who rendered decision were: Susan Crismon, John Monfore,  
20 Ned Livingston, Fran Gorham, Bob Brackett, John Kite, and Doug  
21 Everett.

22 III. LEGAL DESCRIPTION

23 The property is located in Section 8, Township 39S, Range 10E,  
24 Tax Acct. 3910-08-100, located north of Highway 140, east of  
25 Shield Crest Subdivision, Pine Grove area.

26 IV. RELEVANT FACTS

27 The property has an agriculture plan designation with an  
28 implementing zone of Exclusive Farm Use-Cropland. The property  
is 60 acres more/less in area. The SCS classifications applied  
CUP 35-88/SHIELD CREST - PAGE 1

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1 to this property are Classes III and IV. The Planning Department  
2 file and contents thereof are incorporated into this Order as  
3 evidence.

4 V. RELEVANT APPROVAL CRITERIA

5 Applications for conditional non-farm uses are considered  
6 pursuant to Section 51.017(C):

7 a. Does not interfere seriously with accepted farming  
8 practices on adjacent lands.

9 b. Wherever possible, use will be situated upon land gener-  
10 ally unsuitable for farm use as defined by this Code, considering  
11 parcel size, the terrain, vegetation, drainage, adverse soil  
12 conditions, flooding and location.

13 c. Wherever possible, use will not be located upon soils  
14 classified predominantly as I-IV.

15 d. The access shall be designed so as not to interfere with  
16 accepted farm practices on surrounding land; and

17 e. Complies with such other conditions as the review author-  
18 ity considers necessary.

19 VI. FINDINGS

20 Evidence and testimony received and Exhibit "F" attached  
21 show that approval criteria, as listed above, have been satisfied.  
22 The Planning Commission finds the applicant has satisfied Ordinance  
23 requirements concerning notice have been met and the hearing was  
24 conducted in conformity with Goal 1 - Citizen Involvement. The  
25 Commission also finds Goal 3 - Agricultural Lands, has not been  
26 compromised by this application.

27 VII. ORDER

28 Therefore, it is hereby ordered the request for Conditional

1 Use Permit 35-88 is approved to locate a golf course on the prop-  
2 erty herein described, subject to the following:

3 1. This permit shall not be final nor shall a building per-  
4 mit for a non-farm dwelling be issued until the applicant provides  
5 the Planning Director with evidence that the lot or parcel upon  
6 which the dwelling is proposed to be located has been disqualified  
7 for valuation at true cash value for farm use and that any addi-  
8 tional tax or penalty imposed by the County Assessor has been  
9 paid.

10 DATED THIS 6<sup>th</sup> DAY OF January, 1988.

11  
12 Presiding Officer at the Planning Commission

13  
14 Susan H. Crismon

15  
16 Secretary to the Planning Commission

17  
18 Carl Shuel

19 Approved as to Form and Content:

20  
21 David Mannix

22 David Mannix, Deputy County Counsel

23 Klamath County Land Development Code Section 26.005  
24 provides:

25 "An Order of the Planning Commission shall be final  
26 unless appealed within ten (10) days of its mailing by a  
27 party having standing in accordance with the procedures set  
28 forth in Chapter 3, Article 33 of this Code."

FINDINGS DOCUMENT

CONDITIONAL USE PERMIT

TO

CONSTRUCT A GOLF COURSE

IN AN

EFU-C ZONE

TO SUPPLEMENT

SHIELD CREST GOLF COURSE

October, 1988

EXHIBIT F

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### I. PROPOSAL

To provide a complete golfing facility, the applicants/owners, Mr. and Mrs. Robert Cheyne, are requesting a conditional use permit to allow the installation of an additional nine (9) golfing holes to supplement the nine (9) hole golf course immediately to the west, known as Shield Crest Golf Couse. With this addition, Shield Crest will provide to the public eighteen (18) holes of regulation golf, currently not available in Klamath County. This development will occur on approximately 60 acres of land situated between Shield Crest Subdivision and Pine Grove Subdivision, north of Highway 140.

### II. LAND USE ACTION

To permit a golf course in an EFU-C zone, a conditional use permit is required. This is a permitted conditional non-farm use under Article 51, Section 51.017 of the Land Development Code for Klamath County provided applicable criteria are satisfied.

### III. REQUIREMENTS OF KLAMATH COUNTY

The specific planning requirements which the proposal must satisfy are listed in Article 51, Section 51.017 C of the Land Development Code for Klamath County. These require findings that the use:

- a. "Does not interfere seriously with accepted farming practices on adjacent lands;
- b. Wherever possible, use will be situated upon land generally unsuitable for farm use as defined by this Code, considering parcel size, the terrain, vegetation, drainage, adverse soil conditions, flooding and location;
- c. Wherever possible, we will not be located upon soils classified predominantly as I-IV;
- d. The access shall be designed so as not to interfere with accepted farm practices on surrounding land; and
- e. Complies with such other conditions as the review authority considers necessary."

#### IV. DEVELOPMENT PLAN

The proposed development will consist of the construction of an additional nine (9) hole golf course immediately to the east of Shield Crest Golf Course. It will be situated on approximately sixty (60) acres of land which lies northerly of Highway 140 and between Shield Crest Subdivision and Pine Grove Subdivision. The project extends northerly to the base of the Hogback Mountains.

Land uses adjacent to the project site include a residential subdivision and golf course to the west, a residential subdivision to the east, Hogback Mountains to the north, and residential and agricultural land to the south.

The Hogback Mountains to the north are steep slope dry range lands. A high pressure gas transmission pipeline extends across this property from east to west along its southerly boundary.

Immediately to the south of the project are situated two (2) lots, each approximately one acre in size. A single family residence is constructed on the easterly lot and the westerly lot remains vacant. These two lots front on Highway 140, thereby immediate access is provided to them.

To the east is Pine Grove Subdivision and approximately 35 acres of undeveloped land covered with native grasses and a few pine trees. No agricultural use is made of this land.

The project is situated on land least suited for agricultural use, of the land available for the proposed use. Soils on the project site are approximately 60% class IV and 40% class III according to SCS. Soils to the west and to the east are class III.



Access to the project will be via Shield Crest Drive and over adjacent golf course property. Players will be required to initiate play at the clubhouse located in the Shield Crest Subdivision. This will require vehicle parking at the clubhouse parking lot. Upon completion of a round of golf, players will return to the clubhouse and exit via Shield Crest Drive. No interference of accepted farm practices on surrounding lands will be realized.

V. 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 (futhers 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 (furtheres 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 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.

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  
(furtheres 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 recreational needs of the citizens
- \*to diversify and strengthen the County and State economy (furtheres 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

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 (futhers 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.

FINDINGS

1. The proposal is supported by existing policies and rationale of the Klamath County Comprehensive Plan.
2. The request to construct nine additional golf holes in an EFU-C zone to supplement the Shield Crest Golf Course, as presented at tonight's hearing meets all the criteria of the Klamath County Land Development Code, specifically Section 51.017C. Conditional Non-Farm Uses. In that the proposed development meets all of the objectives as outlined in this section of the Ordinance.
3. The proposal is Permitted Use as defined by the Ordinance.

CONCLUSION

The proposed construction of nine (9) additional golfing holes in an EFU-C zone is in accord with the County's Comprehensive Plan and meets the Ordinance requirements.

VI. CONDITIONAL USE PERMIT SECTION 44.003 - REVIEW CRITERIA

A. THAT THE USE IS PERMITTED

A. THAT THE USE IS PERMITTED

FINDING

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

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

This Findings Document, clearly and specifically outlines and explains issues such as location, size, design, and operating characteristics of the proposed use. When weighing this information against the Comprehensive Plan policies as outlined, it is clear that the proposed use 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 capacity of surrounding streets; and to any other relevant impact of the development.

#### FINDINGS

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 the deep blue-green of the fairways' vegetation and the greens against the desert browns of Klamath County.

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.

SECTION 51.017C

- A. Does not interfere seriously with accepted farming practices on adjacent lands.

FINDING

Lands to the east, west, and immediate south are residential in use. Land to the north is native grasses with no observed farming activity occurring. Therefore, no interference with farming practices will occur.

- B. Wherever possible, use will be situated upon land generally unsuitable for farm use....

FINDING

Of the lands in the area, the lands proposed for golf course use are least desirable for farm use due to its slopes, soils, and location above irrigation facilities. Further, the only available land upon which the Shield Crest Golf Course can be expanded is the property upon which the development is proposed.

- C. Wherever possible, use will not be located upon soils classified predominantly as I-IV.

FINDING

Since all of the land in the vicinity of Shield Crest Golf Course is class II-IV, the additional nine (9) golf holes have been predominantly situated on the available class IV soil with a portion situated on class III soils, therefore the least productive lands have been utilized.

- D. The access shall be designed so as not to interfere with accepted farm practices on surrounding land.

FINDING

Access will be limited to golfers via Highway 140 and Shield Crest Drive. A turning lane has been installed on Highway 140 at Shield Crest Drive to provide safe access to the development. Therefore, access to the development will not interfere with accepted farm practices on surrounding land.

CONCLUSION

That the request for a Conditional Use permit to allow a golf course to be constructed in an EFU-C zone, as presented at tonight's hearing meets

all the criteria of Section 44.003 A,B, and C  
and Section 51.017C as outlined, discussed and  
stated in the applicant's Findings Document.

VII. 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 Conditional Use  
Permit.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 10th day  
of Jan. A.D., 19 89 at 12:11 o'clock PM., and duly recorded in Vol. M89,  
of Deeds on Page 549.  
By Evelyn Biehn County Clerk  
Dorlene Mullendore

FEE none  
Commissioners Journal