

33849

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY, OREGON

Vol 7789 Page 5822

1 IN THE MATTER OF REQUEST FOR)
2 CONDITIONAL USE PERMIT 7-89 TO)
3 ALLOW THE CLUSTERING OF RESIDENTIAL)
4 USE PER THE PLANNED UNIT DEVELOPMENT)
5 ZONE - SHIELD CREST, INC., APPLICANTS)

ORDER

6 I. NATURE OF APPLICATION

7 This is a request to transfer and cluster residential den-
8 sity within the replat of the 1st addition to Shield Crest
9 Subdivision.

10 The area of the subdivision is 120 acres and is zoned Rural,
11 1 Acre. Accordingly, 120 dwelling units are allowed given the
12 underlying zone and project area. The current dwelling unit
13 density of the replat is 27 dwelling units/120 acres. The
14 request before the Planning Commission is to increase the over-
15 all density to 60 dwelling units/120 acres by clustering the
16 additional 33 dwelling units on Lots 10-20 of the preliminary
17 replat.

18 A hearing on this application was held March 28, 1989,
19 pursuant to notice given in conformity with Ordinances 44 and 45.

20 II. NAMES OF THOSE INVOLVED

21 The applicants, Robert and Helen Cheyne, were present and
22 represented by Doug Adkins, Adkins Consulting Engineers. The
23 Planning Department was represented by Kim Lundahl, Senior
24 Planner. The recording secretary was Karen Burg. Michael Spencer,
25 County Counsel, declared a conflict of interest and did not pr-
26 vide legal counsel. Written testimony in opposition to this
27 application was received from Robert Tucker and Pamela Spencer.
28 Oral testimony in opposition was offered by Melodee Spiker.
Other oral testimony was given by Bill DiBrito, Anita Ward, and

*89 APR 5 PM 4 07

1 Marvin Stump. Members of the Planning Commission who sat at
2 this hearing were: Susan Crismon, John Monfore, Ed Livingston,
3 Don McCasland, Bob Brackett, John Kite, Doug Everett, and
4 Hal Pearce.

5 III. LEGAL DESCRIPTION

6 The property is located in Section 8, Township 39S, Range
7 10E; Tax Acct. 3910-08-100, located north of Highway 140,
8 Shield Crest Subdivision and golf course.

9 IV. RELEVANT FACTS

10 The property is 120 acres in area. The zoning is R-1 with
11 a PUD Overlay. The replat of the first addition to Shield Crest
12 was approved by the Planning Commission April 26, 1988. The
13 Planning Department file and contents thereof, are incorporated
14 into this Order as evidence.

15 V. APPROVAL CRITERIA AND FINDINGS

16 The applicant has submitted a document "Concept Plan Revision
17 Findings Document for Replat of First Addition to Shield Crest
18 March 1989" included in the record and attached as Exhibit C.
19 The Planning Commission accepted this document as the findings
20 of approval for the application.

21 VI. ORDER

22 Therefore, it is hereby ordered the request for Conditional
23 Use Permit 7-89 is approved as proposed by the applicant.

24 Dated this 5th Day of April, 1988.

25
26 Presiding Officer at the Planning Commission

27 Susan H. Crismon

Secretary to the Planning Commission

Carl Shurt

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Klamath County Board of Commissioners by filing with the Klamath County Planning Department a Notice of Appeal as set out in Section 33.004 of the Klamath County Land Development Code, together with the fee required within ten (10) days of the date of mailing of this decision. The Notice must be received by the Planning Department no later than 5:00 p.m. on the tenth day or the next business day if the tenth day falls on a weekend or holiday. Failure to file a Notice of Appeal within the time provided will result in the loss of your right to appeal this decision.

CONCEPT PLAN REVISION
FINDINGS DOCUMENT
FOR
REPLAT OF FIRST ADDITION
TO
SHIELD CREST

March, 1989

Ex.C

Contents

- I. PROPOSAL
- II. LAND USE ACTIONS
- III. REQUIREMENTS OF KLAMATH COUNTY - REVIEW CRITERIA
- IV. PLANNED UNIT DEVELOPMENT, CONCEPT AND DEVELOPMENT PLAN
REVISION
- V. FINDINGS OF FACT
- VI. REQUESTED ACTION BY THE PLANNING COMMISSION

I. PROPOSAL

Very briefly, the applicants/owners, Shield Crest, Inc. (Mr. and Mrs. Robert E. Cheyne) are seeking authorization to construct condominium units on the portion of the proposed Replat of 1st Addition to Shield Crest identified as proposed lots ten (10) through twenty (20). Approximately 33 condominium units will be constructed on this area. This request will reduce the number of lots to 19, however, the equivalent density will be revised to one (1) dwelling unit per two (2) acres. The current zoning allows up to one (1) dwelling per one (1) acre.

II. LAND USE ACTION

To amend the Concept and development plan for the Replat of 1st Addition to Shield Crest to allow condominium units to be constructed on the parcel of land identified as lots 10 through 20 thereon.

III. 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. The proposal must meet Concept Plan and Development Plan approval requirements of Subsection G. Following is a re-statement of those subsections:

1. The level of sewage service is consistent with applicable Comprehensive Plan policies for urban or rural areas. Project area soils must be capable of handling septic and sewage problems commensurate with the size of the proposed development.
2. Soil Stability and Land Suitability - If there is a history of unstable soil characteristics in the area, this must be resolved prior to approval. The geologic conditions of the soil must be suitable to accept the development proposed.

If the proposed development is located on excessive slopes (of over 25%), engineering drawings must be submitted to satisfy engineering specifications.

If the site is within a flood hazard area within Klamath County, conditions as outlined by the County Engineer and flood hazard ordinance must be complied with.
3. The level of water service is consistent with applicable Comprehensive Plan policies for rural or urban areas.
 - a. If the area is to be served by a public water system or private water system, the system is sufficient to support the proposed development.
 - b. If the area is to be served by individual wells, and if there is substantial proof that underground water supply will be affected by additional wells being drilled in this area, that mitigating effects are pursued by the developer.
4. Fire Protection - The proposed development must be within a rural fire protection district, and the proposed development must have adequate ingress-egress for fire fighting equipment. The circulation plan for the development must have adequate access for fire fighting equipment.
5. Access - The development must be accessible by improved County, State, and private roads.
6. Energy - Conservation issues shall be dealt with and resolved in the best means possible within the development scheme.

7. Effect on Agriculture or Forest Land - Based on the nature of the surrounding resource operations, any additional development cannot create a significant hardship on those surrounding the proposed development.
8. Effect on Goal 5 Resources - Additional development within the site shall have minimum adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas, existing or potential recreation trails, existing or potential scenic waterways.
9. That the property shall be under the ownership or control of a single entity with authority to take all actions and exercise full authority to develop the land.
10. Other Standards - The reviewing body may require that other standards deemed necessary by findings of fact be met (i.e. standards deemed necessary to protect the public health, safety, and welfare or to mitigate impacts on surrounding lands).

IV. PLANNED UNIT DEVELOPMENT, CONCEPT AND DEVELOPMENT PLAN

A. APPLICANT

Shield Crest, Inc.
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 to approve a Concept and Development Plan revision for the transfer and clustering of residential density within the replat

to the 1st Addition to the Shield Crest development, north of Highway 140, east of Klamath Falls. The area of the development is 120 acres, thereby allowing a maximum density of 120 dwelling units at one dwelling unit/acre (R-1 zone). The current depicted density per the replat is 27 dwelling units and holes 1-9 of the golf course.

The applicant wishes approval to transfer and cluster density on a parcel identified as Lots 10-20 of the approved replat of 1st Addition to Shield Crest and increase approved overall density to 60 dwelling units/120 acres or one dwelling unit/two acres or 50 percent of the maximum allowed by the underlying zone. This density transfer and clustering, if approved, would be applied to the area shown as Lots 10-20 and increase the density to 33 dwelling units/11 acres or three dwelling units/acre over the affected area.

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 and platted for development. The proposed change of use is to allow the development of condominium units within the boundaries of the property on a parcel which is isolated from all single family lots. The overall density of the tract will be one dwelling unit per two acres.

The single family lots are all one acre or larger and the utilities and main access road are already available to those properties. The condominium parcel will have access onto the existing Shield Crest Drive and onto a cul-de-sac street to be constructed.

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 47 lots. All improvements, streets and underground utilities are completed in the original Shield Crest plat except natural gas. The First Addition was platted

in 1985 and utilities and road access are available on the tract.

The properties to the north are planned and zoned Residential. The property immediately to the east is Exclusive Farm Use. The property immediately east of that parcel is planned and zoned Residential. The property across Highway #140 to the South is Agricultural.

The basic concept of the overall project is to provide a nine hole golf course within the immediate area of the residential development. By allowing condominium units, diverse housing is provided

Prior platting provides 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 single family residential lots from 34 to 16 and all the lots will be one acre or larger in size. This meets the requirements of the R-1 zone. The condominium parcel will be approximately 11 acres in size. Clustering is the purpose of the PUD zone.

All services needed by the development are currently

available on the property. To enhance the site and and provide an alternative energy source, natural gas will be installed throughout the subdivision.

Development of the golf course is in accord with prior Klamath County approval.

DEVELOPMENT PLAN STATEMENT OF INTENT

1. The applicant will begin construction of the cul-de-sac street immediately after the necessary approvals are received from Klamath County. The development of the residential street will be completed within one year of the approval.

As in the prior 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, and cable -- are already available on the property.

Condominium units will be designed to provide the units 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. Description of Surrounding Area. The property 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.
3. Background Report. As indicated, this is a replat of an existing 120 acre development in which 34 residential lots were approved and platted in size from one acre to approximately ten acres. The 15 uppermost lots of the development will not be changed and are immediately

ready for development now. The remaining lots will be revised for condominiums within one year of the approval. A short cul-de-sac street needs to be added to the development. 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 the condominiums will be in clusters of three (3) and only 33 will be developed in the replat. The total population estimate for the entire development, based on Klamath County household size of 2.3 persons, is 110 with 16 single family residential sites and 33 condominium units developed. The average residential density per gross acre is $(110/120)$ 0.91 persons per acre.

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

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.

FINDINGS

A. Concept Plan Approval Criteria

1. Project area soils have been evaluated previously by the Klamath County Department of Health and approved for on-site wastewater disposal systems. Each proposed condominium site will require re-evaluation for the intended use and will assure the level of sewage service is consistent with applicable Comprehensive Plan policies.
2. There is no history of unstable soil characteristics in the area. All slopes within the project area are less than 15% and the project is not within a flood hazard area.
3. Water will be supplied by individual wells. Wells drilled immediately north of the site indicate adequate water is available. Therefore, the level of water service is consistent with applicable Comprehensive Plan policies.
4. The development has streets built to Klamath County standards and is within Klamath County Rural Fire Protection District No. 1 boundaries.

5. Access is provided from Oregon State Highway 140.
6. Due to the southerly slope of the development solar energy systems are viable energy alternatives. In addition to electricity, natural gas will be available to all lots. Water wells in the area have temperatures in the 70 to 80 degree range and, therefore, heat pumps are useable systems. With these alternatives energy conservation can be dealt with and resolved in the best means possible within the development scheme.
7. The proposed condominiums will be constructed on property previously approved and committed for residential development. By clustering dwelling units on committed lands, less pressure for development is placed on agriculture and forest lands. Due to the golf course buffer between the development and surrounding lands, no hardship will be created on those surrounding lands.
8. Condominium development as proposed will only occupy lands previously approved and committed to residential development. By clustering minimal, if any, adverse impact on open space, mineral resources, energy sources, fish and wildlife habitat, natural areas, scenic views, watersheds, historic or cultural areas,

existing or potential recreation trails, existing or potential scenic waterways, will be realized.

9. As proposed, the condominium development will be under the control of Shield Crest Inc. which has the authority to develop the land.

10. Other standards the reviewing body may require will be addressed.

E. REVELANT 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 (further Goal #8)
- *to promote orderly urban development (furthers 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 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.

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 (further 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 accomodations, 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 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 Comprehensive Plan and land Development Code.

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 (further Goals 5 and 6)

- *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).

V. FINDINGS OF FACT

1. The proposal is supported by existing policies and rationale of the Klamath County Comprehensive Plan.
2. The request for condominiums to be permitted in a portion known as Replat of the First Addition to Shield Crest, as presented at tonight's hearing meets all the criteria of Klamath County Land Development Code, specifically Section 52.001 A. Purpose, 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. Ordinance requirement, Subsection G Concept Plan Approval Criteria 1 through 10 have all been met.
5. Ordinance requirements Subsection K Amendments of the Concept Plan or Development Plan has been satisfied in that zone change procedures of Chapter 4 have been complied with and a hearing has been held to amend the PUD as per ART 26 - Planning Commission Review Procedure Section 26.002 - Application.
6. The applicant did not request a change of zone within the request to review the PUD, which is consistent with Section 26.002 Application.

CONCLUSION

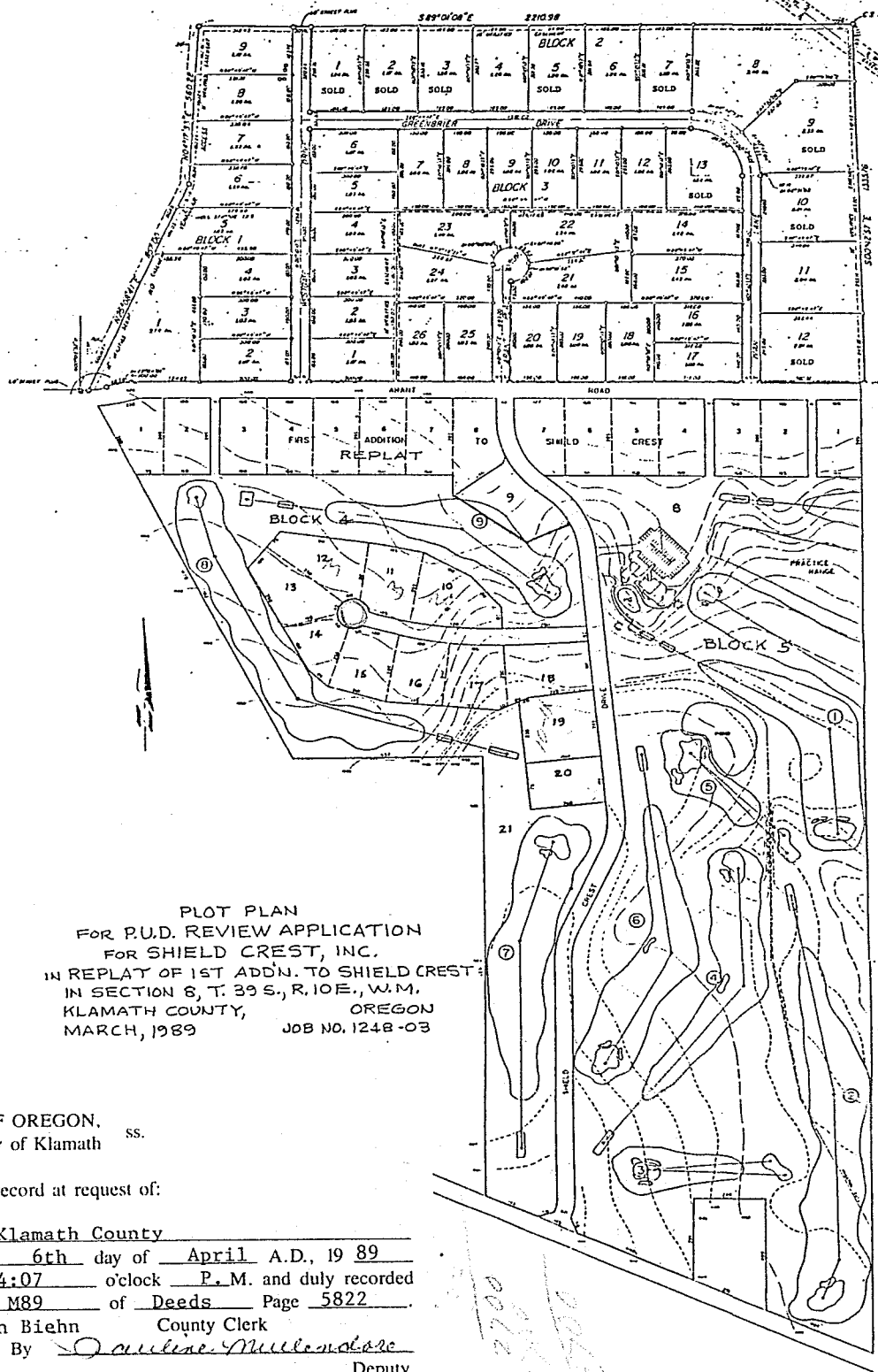
The proposed revision to the replat of the First Addition to Shield Crest to include condominiums is in accord with the County's Comprehensive Plan and meets the Ordinance requirements for a Planned Unit Development.

VI. 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 revisions.

SHIELD CREST

5849



PLOT PLAN
FOR P.U.D. REVIEW APPLICATION
FOR SHIELD CREST, INC.
IN REPLAY OF 1ST ADDN. TO SHIELD CREST
IN SECTION 8, T. 39 S., R. 10 E., W. 1 M.
KLAMATH COUNTY, OREGON
MARCH, 1989 JOB NO. 1248-03

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Klamath County
on this 6th day of April A.D., 19 89
at 4:07 o'clock P. M. and duly recorded
in Vol. M89 of Deeds Page 5822

Evelyn Biehn County Clerk

By Douglas Mullenbarger

Deputy.

Fee, none