

BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY

IN THE MATTER OF TRACT 1325
FOR BARRETT/SCOTT

APPLICATION:

The applicants requested approval of a subdivision application depicting the division of 96 acres into 16 5 acre lots as set out on the map dated January 24, 1997. A hearing was held by the Planning Commission on APRIL 22, 1997. This application was reviewed for conformance with Article 46 of the Klamath County Land Development Code.

THOSE INVOLVED:

A notarized list of those appearing is on file. The Planning Department was represented by Kim Lundahl, Senior Planner. A quorum of the Planning Commission was present at this hearing.

LOCATION:

Two miles west of the Collins Products Mill, north side of Hwy 66 at Jake Dr..

RELEVANT FACTS:

The application is for subdivision of 96 acres into 16 lots based on existing land use and zoning. The zone/plan designation of the project site is R-5 (CLUP/ZC 1-97). The property is adjacent to and will be used for rural purposes as set out in the current plan/zone.

CONCLUSIONS AND ORDER:

The Klamath County Planning Commission, based on testimony entered and upon consideration of exhibits a-g find the application in conformance with the review criteria set out in Section 46.030 of the Code.

Therefore, it is ordered the application of BARRETT/SCOTT for approval of Tract 1325 is granted conditioned upon compliance with the approval letter attached and in conformance with the Preliminary Tract Map 1325 dated January 24, 1997.

DATED this 23rd day of April, 1997


Carl Shuck, Secretary to the Planning Commission

APPEAL RIGHTS

This decision may be appealed to Board of County Commissioners within 7 days following the mailing of this order. Failure to file a notice of appeal within this timeframe may affect your right of appeal.

REQUIREMENTS FOR FINAL APPROVAL

12444

TRACT 1325/Scott/Barrett

1. Final plat shall meet all requirements of Land Development Code Sections 46.090 and 46.100.
2. A preliminary title report is to be submitted with the final plat.
3. A certification signed by the subdivider that central water supply and sanitary sewer systems will not be provided and that the Department of Environmental Quality has approved the proposed method or alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 464.753(1)(b).
4. Applicant shall comply with requirements 1-6 of County Surveyor Requirements (attached).
5. Compliance with ODOT requirements shall be demonstrated prior to final plat approval.
6. To establish a residence or other use where domestic sewage wastes will be generated on this parcel, applicant needs to comply with OAR Chapter 340 for on-site sewage disposal.
7. Conditions 1-6 of the Oregon Dept. of Fish and Wildlife letter dated 1-27-95 (Exhibit K, CLUP/ZC 23-94) will be incorporated in the Covenants, Conditions and Restrictions applied to this subdivision.
8. Agreements/arrangements to be worked out with and meet the approval of the Keno Rural Fire Department.

COUNTY SURVEYOR REQUIREMENTS
TRACT 1325/Scott/Barrett

1. Relinquish abutter's rights from Lots 1-4 onto Hwy. 66. This shall be shown on the plat and put in the declaration.
2. Street names will have to be issued by Public Works to avoid duplication. A list of proposed names shall be submitted for approval.
3. The roads within the subdivision shall be approved to County Standard 114 which requires 32' top with 22' of gravel or cinders 6" deep. A set of engineered drawings shall be submitted to the Dept. of Public Works.
4. Roads must be bonded or construction prior to recordation of the plat. No construction shall take place until road plans are approved.
5. A bulb on the open ended cul-de-sac shall be plated within the plat boundary.
6. A variance will be required on the cul-de-sac length.

OREGON DEPARTMENT OF TRANSPORTATION (ODOT)
COMMITTEE ON LOCAL LAND-USE ACTION

Date: Feb 18, 1997

12446

I. DESCRIPTION OF APPLICATION:

Local Jurisdiction: Klamath Planning

Local File No(s): TRACT 1325

Applicant: Jerry Barrett + Rand Sue Scott

Description of Action: Divide 96 acres into 6 acre lots

II. ODOT RESPONSE:

☐ ODOT has no significant comment on this action.

☒ ODOT has concerns about the potential impacts of this development. We recommend the following:

Applicant should stop by our office for conceptual review of site plan and proposed access. This should be done as soon as possible and prior to the final hearing on the application.

Applicant must apply for an access permit and have it approved prior to issuing a building permit for this site.

☒ The following conditions should be included as part of your conditions of approval:

See Attached Letter

Other Comments: _____

ODOT opposes this application for the following reasons: _____

We appreciate your notification of this application. If you have any questions concerning our comments, please contact me.

John Thomasson
John Thomasson
District 11 Permits Specialist
2557 Alameda Drive
Klamath Falls, OR 97603

Phone: (541) 883-5662
Fax: (541) 883-5589

ODOT Form 100 (8-94)

EX 2

February 18, 1997

Mr. Carl Shuck
Klamath County Planning Department
507 Main Street
Klamath Falls, OR 97601

12447

Oregon

DEPARTMENT OF
TRANSPORTATION

DISTRICT 11

RE: Tract 1325 - Silver Ridge Estates

FILE CODE:

Dear Mr. Shuck:

ODOT has concerns about this development. The continued development in this area will impact the State Highway System. Developments of this kind that continue to grow will produce a need for improvements to the Highway connection. Traffic congestion and safety could become a problem in the future with this growth.

ODOT would like to see the following:

1. All lots, new and pre-existing, are to be included in a private road district formed to maintain the private road system.
2. All maintenance, including signing, and future improvements shall be the responsibility of the road maintenance district formed. Signing at the access connection shall meet ODOT standards and specifications. ODOT can provide proper signage at the expense of the developer/private road district.
3. A new permit for the existing approach road must be issued. The new permit will show all lots that the approach road will serve. Permit #11A35267 will be canceled. Installation of a 12" culvert will be required to take care of a drainage problem at the approach.
4. The private road maintenance district that is formed will be responsible for any future needed highway improvements needed at the highway approach due to the development as deemed necessary by ODOT. ODOT must approve the needed improvements before construction. A traffic impact study provided by the Developer or road maintenance district formed will be used to help ODOT make decision as to the proper improvements.

Respectfully submitted,

Randy L. Bednar

Randy L. Bednar
Acting Assistant District Manager

John A. Kitzhaber
Governor



2557 Alameda Drive
Klamath Falls, OR 97603
(541) 883-5862
FAX (541) 883-5589

12448



Klamath County Department of Public Health

403 Pine Street • Klamath Falls, OR 97601 • 882-8846 (TDD) • FAX 885-3638

MEMO

TO: Planning Department

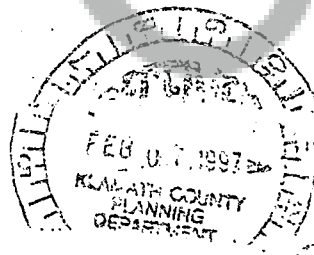
FROM: Cindy Foster, R.S. ^{CF}
Director Environmental Health

DATE: January 30, 1997

SUBJECT: JERRY BARRETT AND RANDY AND SUE SCOTT/TRACK 1325

To establish a residence or other use where domestic sewage wastes will be generated on this parcel, applicant needs to comply with OAR Chapter 340 for On-Site Sewage Disposal.

Please have them contact Klamath County Environmental Health Division at 403 Pine Street, Klamath Falls, OR 97601 or call 883-1122.



E. F.

WFC
833-4276

Klamath Community Health Center
882-8846

Environmental Health
883-1122

12449

Oregon

January 27, 1995

Mr. Carl Shuck
Klamath County Planning Department
1435 Esplanade Avenue
Klamath Falls, OR 97601

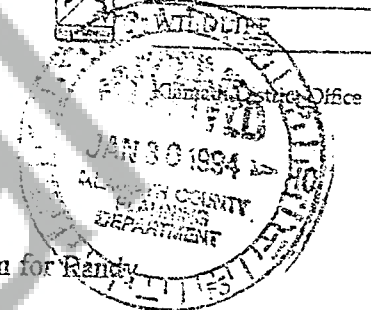
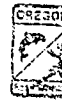
Dear Mr. Shuck:

This letter is in reference to CLUP/ZC 23-94/Tract 1290 Application for Randy and Sue Scott.

The Oregon Department of Fish and Wildlife (ODFW) has reviewed the applicant's request to change the plan/zone designations for a 60+/- acre parcel west of Lawanda Hills from Non-Resource/NR to Rural/R-5. ODFW is in agreement with the Department of Land Conservation and Development's concern that the County needs to demonstrate that the subject property meets the "Rural" standards for a committed exception before a CLUP/ZC is granted. Our concern is that the Comprehensive Plan be consistently administered by the County. If approved, this application will set a precedence for many more similar requests in the future.

ODFW's previous comments on this application centered around the issue of human-wildlife interactions resulting from the expansion of rural subdivisions into historic wildlife habitat. ODFW is frequently called upon to alleviate conflicts between wildlife and humans involving damage to crops and ornamentals, injury to wildlife from fences, vehicle collisions or domestic dog attacks, and wildlife aggression towards humans. These problems routinely surface in areas such as Keno and Lakeshore Drive where humans are living adjacent to suitable wildlife habitats. The subject property, while not falling under the official Goal 5 deer winter range overlay, does lie immediately adjacent to it. Deer densities are in the low-to-medium range and they are present on a year-round basis. ODFW is concerned that this proposed development may become another County hot-spot for deer/human conflicts.

On December 27, 1995, I met with applicant Randy Scott to discuss ODFW concerns and possible options for conflict resolution regarding this application. We discussed ODFW's primary concern of potential deer-human conflicts that might result from rural subdivision of his property. Mr. Scott conveyed his

DEPARTMENT OF
FISH AND

1400 Miller Island Rd West
Klamath Falls, OR 97603
(503) 583-5722

January 27, 1995
Page Two

concern for the deer resource and his willingness to reduce human impacts to wildlife on the development site. ODFW recommendations to Mr. Scott were:

1. Establish a formal homeowner's association or homeowner covenants to address human-wildlife conflicts and interactions.
2. Adhere to "wildlife friendly" fencing specifications to allow unrestricted and safe movement of deer and other wildlife (these specifications were provided to Mr. Scott).
3. Maintain existing native vegetation for deer forage and cover.
4. Strictly enforce the County leash law to discourage dogs running "at large."
5. Develop a homeowner covenant that restricts the artificial feeding of deer, raccoon and skunks.
6. Distribute an ODFW brochure on cougar awareness ("Living in Cougar Country") to homeowners.

ODFW commends Mr. Scott's efforts to meet our recommendations. Should the County grant Mr. Scott's request for CLUP/ZC 23-94, I would like to request that the recommendations provided above become a condition of the approved application. Mr. Scott has indicated his willingness to accommodate this request.

Please include this letter as part of the record for the joint meeting of the Klamath County Planning Commission and the Board of Commissioners on February 1, 1995. Thank you for the opportunity to comment. Don't hesitate to contact me if I can be of any further assistance.

Respectfully submitted,

Beth Waterbury

Beth Waterbury
Acting District Biologist
Klamath Wildlife District

c: Mr. Randy Scott
Kunkel, ODFW, Bend RO

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Klamath County

on this 24th day of April A.D., 1997
at 9:05 o'clock A.M. and duly recorded
in Vol. M97 of Deeds Page 12443

Bernetha G. Letsch, County Clerk

For, No fee By Kathleen Ross
Return: Commissioners Journal Deputy