

**BEFORE THE PLANNING COMMISSION
KLAMATH COUNTY**

**IN THE MATTER OF TRACT 1360
FOR PARADISE HILL DEVELOPMENT**

APPLICATION:

The applicant requested approval of a subdivision application depicting the division of 60 acres into 12, 5 acre lots as depicted on map dated JANUARY 29, 1999. A hearing was held by the Planning Commission on JUNE 22, 1999. This application was reviewed for conformance with Article 46 of the Klamath County LDC.

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:

South of Shady Pine Rd., at Peregrine Heights Rd., Paradise Hill.

RELEVANT FACTS:

The applications are for subdivision of 60 acres into 12 lots based on existing land use and zoning and provision of a domestic water supply system. The zone/plan designation of the project site is R-5. 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-j find the application in conformance with the review criteria set out in Sections 46.030 of the Code.

Therefore, it is ordered the application of PARADISE HILL DEVELOPMENT for approval of Tract 1360 is granted conditioned upon compliance with the approval letter attached and in conformance with the Preliminary Tract Map 1355 dated JANUARY 29, 1999.

DATED this 29 day of June, 1999



Carl Shuck, Secretary to the Planning Commission

APPEAL RIGHTS

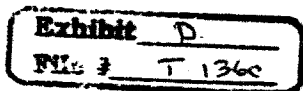
This decision may be appealed to Board of County Commissioners within 7 days following the execution of this order. Failure to file a notice of appeal within this timeframe may affect your right of appeal.

REQUIREMENTS FOR FINAL APPROVAL

Tract 1360/Troubador Trail (Paradise Hill Dev.)

NOTE: THIS APPLICATION WILL EXPIRE TWO YEARS FROM THE PRELIMINARY APPROVAL DATE IF A TIME EXTENSION IS NOT MADE PRIOR TO THAT DATE.

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 454.755(1)(b).
4. Applicant shall comply with Public Works requirements outlined on Exhibit E attached..
5. Applicant shall comply with requirements of Klamath County Environment Health Division requirements outlined on Exhibit F attached.
6. Applicant shall comply with KCFD No. 1 requirements for fire protection.
7. This approval is contingent upon effective date of CLUP/ZC 2-99.
8. Compliance with conditions 1-16 of Exhibit J attached.



Paradise Hill Development, LLC

P.O. Box 223

Klamath Falls, OR 97601

541-884-1770 or 541-884-1343

June 18, 1999

Shady Pine area residents:

As a result of our recent meetings and neighborhood discussions, attached is a copy of the subdivision amendment conditions that Paradise Hill Development, LLC agreed to for the Troubador Trail, Tract 1360, subdivision. These conditions will be presented to the County Commissioners and the Planning Commission at the hearing on June 22, 1999.

If you have any questions about these conditions, please call either of us to discuss them.

Mark Wendt

884-1770

Frank Goodson

884-1343

Exhibit 3

File #

TRACT 1360

VV CLUP/zc 2-99

SUBDIVISION CONDITIONS FOR TROUBADOR TRAIL TRACT 1360

1. Pave Troubador Trail Road in its entirety and pave Peregrine Heights Road from its junction with Shady Pine Road to its junction with Peregrine Heights Road to reduce road noise and dust.
2. Improve the Hwy 97/Shady Pine intersection by paving a new 1,000 square foot section if approved by ODOT and Klamath County Road Department.
3. Include wildlife mitigation measures recommended by Oregon DF &W in their letter of May 17, 1999.
4. Agree to include in the Wocus Drainage District every new parcel created that drains towards the Wocus Drainage District.
5. Incorporate recommendations of the Klamath Tribe per their letter of March 1, 1999 and the meeting with them of May 19, 1999. That is: before any dirt moving takes place on the approved Troubador Trail Tract 1360 property retain Dorothy Fleming, Allied Cultural Resources, to identify any cultural resource sites the Tribe wants left undisturbed and then make the sites perpetual protection a deeded requirement of the specific parcel(s).
6. Provide that Troubador Trail, Tract 1360, be a gated community with all access roads gated and locked at all times.
7. Provide that deeded easements be granted to all parcels of land in the Shady Pine Community to allow all Shady Pine residents the perpetual right to use the designated trails of Troubador Trail subdivision (or the roads of the Troubador Trail subdivision if no trails are designated) for walking and horseback riding. For purposes of this condition and condition #8, below, the "Shady Pine Community" shall be defined as: all lands in Section 31, Township 37 South, Range 9 East, W.M. that lie west of Shady Pine Road and all the lands in the NE1/4 and the NW1/4 of the SE1/4 of Section 31, Township 37 South, Range 9 East, W.M. that lie east of Shady Pine Road.
8. Provide that one representative from the Shady Pine Community be included on the Paradise Hill Home Owners Association's Architectural Committee. This is the body that approves, rejects and/or changes proposed house siting and design for each house built on either Troubador Trail or Paradise Hill lots, thus allowing Shady Pine residents opportunity to influence location of houses and/or driveways relative to drainage and other matters.

9. Create water detention basins to catch all reasonably anticipated additional runoff created by Troubador Trail homes and roads. Said basins shall be located at each existing culvert draining water under Troubador Trail and under Peregrine Heights roads where the two roads are adjacent to Troubador Trails Tract 1360. An additional basin shall be constructed at the low point of Shady Pine Road near the north common boundary between proposed Lot 1 and Lot 2 of the subdivision.

10. Provide that Paradise Hill Development, L.L.C. and or the Paradise Hill Home Owners Association agree to pay for all electrical pumping cost (for water evacuation into Klamath Lake) of Richard and Charlotte Rodgers' Shady Pine Ranch during any calendar year that drainage water crosses over Shady Pine Road from Troubador Trail, Tract 1360, into their ranch. This provision will be included on the face of the final plat.

11. Comply with all provisions of Klamath County Fire District No. 1 as set out in their response.

12. Require a deed restriction as follows:

"The areas surrounding Troubador Trails Tract 1360, including Hanks Marsh National Wildlife Refuge, have historically been utilized for sports activities, including hunting and shooting. The property owners hereby agree and are bound to not object to or complain about hunting and shooting on nearby lands that does not constitute a direct danger to life or property."

13. Record a written statement with the deed which recognizes the rights of adjacent and nearby and owners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act..

14. Obtain approval from Klamath County Department of Environmental Health for septic systems on all lots prior to final plat approval.

15. Improve the sight distance at the intersection of Peregrine Heights Road and Shady Pine Road by cutting back the bank to the northeast of the intersection.

16. Developer shall record CC&R's containing these provisions and those provisions that were contained in the Paradise Hill Subdivision, Tract 1316.

REPLACEMENT #9

9. Create water detention basins to catch all reasonably anticipated additional runoff created by Troubador Trail homes and roads. Said basins, pending engineering examinations, shall be located at the following locations:

- A. At each existing culvert draining water under Troubador Trail and under Peregrine Heights roads where the roads are adjacent to Troubador Trails Tract 1360.
- B. At 2 locations in Kings Cabin Canyon Ravine.
- C. At one location on the Powerline road.
- D. At one location on proposed Parcel #1 of Troubador Trails Tract 1360 (near Curve C12 as shown on the Preliminary Map, Tract 1360).

State of Oregon, County of Klamath
Recorded 7/28/99, at 2:03 p. m.
In Vol. M99 Page 30065
Linda Smith,
County Clerk Fees 7/16 40